UNITED
NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/51/775
S/1997/46
17 January 1997
ENGLISH
ORIGINAL: ARABIC

GENERAL ASSEMBLY
Fifty-first session
Agenda item 33
THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Fifty-second year

Letter dated 17 January 1997 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

On instructions from my Government and further to our earlier letters concerning Israel's attacks on southern Lebanon and the western Bekaa and the arbitrary practices against the civilian inhabitants in which it engages on a daily basis, I have the honour to notify you of the series of such incidents that took place in December 1996.

2 December 1996

At 1045 hours Israeli aircraft overflew the western Bekaa area and the town of Baalbek at high altitude.

At 1325 hours three artillery shells fired from Israeli positions fell in outlying areas of Jibal al-Butm in Tyre district.

6 December 1996

At 1140 hours outlying areas of Luwayzah, Jarju', Arabsalim, the Mlita and Jabal Safi hills and areas along the Nab' al-Tasah in the Iqlim al-Tuffah area came under Israeli artillery fire.

At 1300 hours outlying areas of Haddatha, Haris, Kafra and Yatar in Bint Jubayl district came under Israeli artillery fire.

7 December 1996

At 0700 hours outlying areas of Tibnin and Ayta al-Jabal came under Israeli artillery fire while helicopters overflew the area.

At 1500 hours a number of fragmentation shells and nail shells fired from Israeli positions in the border strip fell in Kafr Tibnit and its environs. Seven persons were injured.

Between 1600 and 1800 hours Israeli warplanes overflew the Nabatiyah area at low altitude carrying out mock attacks.

8 December 1996

Between 1330 and 1615 hours Israeli warplanes overflew the Nabatiyah and Iqlim al-Tuffah areas.

9 December 1996

Between 1225 and 1615 hours the Mlita and Jabal Safi hills and outlying areas of Arabsalim, Jarju', Ayn Bu Siwar and Jba' came under Israeli artillery fire. No casualties were reported.

At 2020 hours Israeli warplanes overflew Sidon and the nearby camps at low altitude.

At 2100 hours Israeli warplanes overflew the Tyre area at medium altitude.

At 2345 hours Israeli warplanes overflew Sidon and the nearby camps at low altitude.

11 December 1996

At 0835 hours Israeli warplanes overflew Sidon and the nearby camps at high altitude.

14 December 1996

At about 1630 hours a clash took place between Israeli and Lahad forces on the one hand and men of the Lebanese National Resistance on the other. Weapons of all types were used. Occupation forces subsequently combed nearby areas for half an hour.

15 December 1996

At 0930 hours Israeli warplanes bombarded the Ayn al-Tinah heights and the southern outskirts of Mashgharah from low altitudes. Overflights continued until 1100 hours.

At 1200 hours Israeli artillery bombarded outlying areas of Zawtar al-Sharqiyah and Zawtar al-Gharbiyah and areas along the Litani river. Israeli warplanes also overflew the Nabatiyah area at medium altitude, while outlying areas of Jumayjimah, Majdal Silm, Sawwanah and Khirbat Silm came under Israeli artillery fire.

At 2145 hours outlying areas of Jba' in Nabatiyah district came under Israeli artillery fire. The bombardment stopped at 2330 hours.

16 December 1996

At 0950 hours Israeli warplanes overflew Sidon and the nearby camps at high altitude.

17 December 1996

At 0900 hours the outskirts of Arabsalim, outlying areas of Jarju' and the Mlita and Jabal Safi hills in the Iqlim al-Tuffah area came under Israeli artillery fire. The bombardment ceased at 1100 hours after causing property damage. It was accompanied by frequent overflights of the area by Israeli warplanes.

18 December 1996

At 0620 hours Israeli warplanes overflew the Nabatiyah area at low altitude. There were frequent overflights of the Iqlim al-Tuffah area.

At 0625 hours Israeli warplanes carried out five successive attacks on the Mlita and Jabal Safi hills and outlying areas of Luwayzah, firing air-to-surface missiles.

At 0915 hours Israeli warplanes overflew the Tyre area at medium altitude.

At 0930 hours Israeli warplanes overflew Sidon and the nearby camps at high altitude.

At 1300 hours Israeli warplanes overflew Sidon and its environs at high altitude.

At 1730 hours Israeli warplanes overflew the Iqlim al-Tuffah area and carried out a two-stage attack on the Mlita and Jabal Safi hills while Israeli helicopters overflew the area.

19 December 1996

At 0835 hours Israeli warplanes overflew the Iqlim al-Tuffah area at low altitude.

At 0850 hours Israeli warplanes overflew Sidon and the nearby camps at high altitude.

Between 1030 and 1200 hours outlying areas of Haddatha, Ayta al-Jabal, Bra'shit, Shaqra, Tibnin, Haris and Safad al-Battikh came under Israeli artillery fire, and heavy damage was done.

At 1115 hours Israeli warplanes overflew the sea off Tyre at low altitude.

At 1340 hours Israeli warplanes carried out a two-stage attack on Jabal Safi, and outlying areas of Luwayzah and Jarju' and the Mlita and Jabal Safi hills came under Israeli artillery bombardment. The bombardment and the attacks continued until 1600 hours.

20 December 1996

At 1330 hours outlying areas of Jba' and Mazra'at Kafra in the Iqlim al-Tuffah area came under Israeli artillery fire. It stopped at 1530 hours.

At 1430 hours outlying areas of Kafra Milki in the Sidon district came under Israeli artillery fire.

24 December 1996

At 1130 hours Israeli warplanes overflew Sidon and the nearby camps.

25 December 1996

At 1010 hours Israeli warplanes overflew Sidon at high altitude and also overflew Tyre at medium altitude.

26 December 1996

At 1600 hours the Abu Rashid hills and Jabbur pool in western Bekaa district came under artillery fire from Israeli positions and Lahad forces. The bombardment continued until 1730 hours.

27 December 1996

At 1300 hours outlying areas of Yatar, Kafra, Haris, Haddatha and Ayta al-Jabal came under artillery fire from Israeli positions in the border strip.

At 1630 hours outlying areas of Ayta al-Jabal, Tibnin, Bra'shit and Shaqra received bursts of heavy-weapons fire from occupation forces in positions on the hills opposite.

31 December 1996

At 0100 hours outlying areas of Kafr Rumman, Sujud and Jabal al-Rafi', the environs of the abandoned Lebanese Army barracks in Nabatiyah al-Fawqa and areas along the Habbush river came under Israeli artillery fire. At the same time, Israeli warplanes overflew the Iqilm al-Tuffah and Nabatiyah areas.

At 1730 hours the occupation artillery shelled outlying areas of Jba' in Nabatiyah district from positions in the border strip. The bombardment was accompanied by low-level overflights of the area by Israeli warplanes and helicopters. The bombardment and the overflights continued until 1930 hours.

The Lebanese Government strongly condemns the continued Israeli occupation and these fresh attacks and arbitrary practices inflicted on the Lebanese population, which have left a number of casualties and have caused further serious damage to property.

Like previous attacks, this new series is in flagrant violation of the sovereignty and independence of Lebanon and constitutes a breach of the purposes

and principles of the Charter of the United Nations, of international law and of basic human rights.

I should be grateful if you would have this letter circulated as a document of the General Assembly, under agenda item 33, and of the Security Council.

(Signed) Samir MOUBARAK
Ambassador
Permanent Representative

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1997/47
20 January 1997

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL CONCERNING THE SITUATION IN ABKHAZIA, GEORGIA

I. INTRODUCTION

1. The present report is submitted in pursuance of resolution 1065 (1996) of 12 July 1996, by which the Security Council decided to extend the mandate of the United Nations Observer Mission in Georgia (UNOMIG) for an additional period ending on 31 January 1997. In the same resolution, the Secretary-General was requested to continue to keep the Council regularly informed and to report within three months on the situation in Abkhazia, Georgia, including the operations of UNOMIG. In compliance with that request, the Secretary-General submitted a report to the Security Council on 10 October 1996 (S/1996/843). The present report provides an update of the situation as at 10 January 1997 and contains recommendations regarding the peacemaking process and the role of the United Nations after the expiry of the mandate of UNOMIG.

II. POLITICAL ASPECTS

2. Key issues of the Georgian/Abkhaz peace process, such as the future political status of Abkhazia and the return of refugees and displaced persons, remain unresolved. However, in discussions with the Special Envoy of the Secretary-General, Ambassador Edouard Brunner, and his resident Deputy, Mr. Liviu Bota, and with representatives of the Russian Federation, in its capacity as facilitator, both sides have recently reaffirmed their desire for a political solution. The desirability of a political solution has also been underlined in the increasingly frequent direct contacts between the two parties.

3. During his visit to the region from 8 to 10 October 1996, the Special Envoy discussed how to unblock the political stalemate with the President of Georgia, Mr. Eduard Shevardnadze, and the Abkhaz leader, Mr. Vladislav Ardzinba, and with Ambassador Guennady Ilitchev, Special Envoy of the First Deputy Foreign Minister of the Russian Federation, Mr. Boris Pastukhov. While the Georgian side favoured changing the negotiation format, the Abkhaz side said that it preferred to retain the current approach. Ambassador Ilitchev argued that the potential of the current format had not yet been fully exhausted.

4. The Special Envoy's talks in the region were overshadowed by Mr. Ardzinba's announcement that "parliamentary elections" were to be held on 23 November 1996. In discussing the matter with the Special Envoy, Mr. Ardzinba explained that the five-year term of the current "parliament" had expired. The "parliamentary elections" took place as scheduled and were followed by a second round on 7 December, despite numerous calls by the international community for them not to take place until the conclusion of an agreement on the political status of Abkhazia that respected the sovereignty and territorial integrity of Georgia. Another argument against holding the elections was that full participation of all refugees and displaced persons in an organized manner was not assured.

5. On 23 November, the Government of Georgia organized a plebiscite among the refugees and displaced persons from Abkhazia, Georgia, on whether they supported the holding of "parliamentary elections" there prior to the restoration of Georgia's territorial integrity and the return of refugees and displaced persons. According to the Government of Georgia, an overwhelming majority of the participants in the plebiscite responded in the negative.

6. On 23 October, the Ambassadors of the group of Friends of the Secretary-General on Georgia, which includes France, Germany, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America, met with President Shevardnadze to deliver a démarche expressing, inter alia, their concern about the serious deterioration with respect to the question of Abkhazia and the lack of significant progress on the key issues of the conflict. The Ambassadors argued that the best strategy for achieving a long-term settlement was to resume dialogue between the parties at all levels. President Shevardnadze replied that the peace process should enter a new phase and the Georgian side was ready to contribute to this.

7. A similar démarche, calling on the Abkhaz side to take more flexible positions in the negotiations, was handed over to Mr. Ardzinba on 7 November by the Secretary-General's resident Deputy Special Envoy on behalf of the Ambassadors of the Friends of the Secretary-General on Georgia, as Mr. Ardzinba, at that time, was not prepared to meet them. However, on the occasion of the opening of the human rights office in Sukhumi, on 10 December, representatives of the Friends had a lengthy exchange of views with Mr. Ardzinba and other Abkhaz officials on the Georgian/Abkhaz conflict and on how to give fresh impetus to the peace process.

8. A number of bilateral meetings took place between the two sides during the reporting period. The Abkhaz "Foreign Minister", Mr. Konstantin Ozgan, visited Tbilisi on 14 November and met with President Shevardnadze. The two sides reportedly agreed, inter alia, to continue bilateral contacts at both working and higher levels.

9. Further bilateral talks took place in Moscow from 4 to 7 December between the Special Representative of the President of Georgia to the Peace Process, Ambassador Vaza Lordkipanidze, and Mr. Ozgan. The First Deputy Foreign Minister of the Russian Federation, Mr. Pastukhov, who had facilitated the meeting, was also present. In pursuance of the understanding reached during this meeting, Ambassador Lordkipanidze met for two days with Mr. Ozgan, on 23 and 24 December, in Gali, in the security zone, to discuss the resumption of the orderly

repatriation of refugees and displaced persons, in particular to the Gali region. The meeting, chaired by Ambassador Ilitchev of the Russian Federation, was also attended by representatives of the Office of the United Nations High Commissioner for Refugees (UNHCR), UNOMIG, the peacekeeping force of the Commonwealth of Independent States (CIS) and the Organization for Security and Cooperation in Europe (OSCE). Though no specific agreements were reached, the atmosphere at the meeting was constructive and all sides agreed to continue negotiations in Moscow in January 1997.

10. The Foreign Minister of Georgia, Mr. Irakli Menagarishvili, met with Mr. Ardzinba and Mr. Ozgan in Gagra on 8 January 1997. Following the talks both sides stated that the meeting had been useful, though it had not produced any concrete results. Both sides reportedly discussed a visit by both their respective speakers of parliament to Sukhumi and Tbilisi and a possible meeting between President Shevardnadze and Mr. Ardzinba, and closer cooperation on the Inguri power station issue.

11. During the reporting period, there were a number of meetings between representatives of the Georgian and Russian Governments, including a meeting of the Foreign Minister of Georgia, Mr. Menagarishvili, with his Russian counterpart, Mr. Yevgeni Primakov, in Moscow during the first half of December, where the issue of a political settlement in Abkhazia, Georgia, the return of refugees and displaced persons and the mandate of the CIS peacekeeping force were reportedly on the agenda. A delegation of the Russian State Duma, headed by its Speaker, Mr. Gennady Seleznev, visited Georgia in the first half of December.

III. HUMANITARIAN SITUATION AND HUMAN RIGHTS

12. United Nations agencies, non-governmental organizations and the International Committee of the Red Cross (ICRC) have helped alleviate human suffering in Abkhazia, Georgia, during the last three months. Humanitarian organizations have continued to focus on the most pressing needs, especially food, medicine and clothing. They have also increased self-help means of assistance by providing, inter alia, inputs to local communities for emergency repairs to schools and hospitals and by supporting families with the means to harvest and preserve fruit and vegetables for the winter months. However, of continued concern are the psychosocial needs of the population, especially children and adolescents, who have received some support from local non-governmental organizations but require substantial and urgent assistance from the international community.

13. The mine problem in the Gali district has worsened during the last three months, with mines killing or maiming innocent civilians and threatening the population in the district. Mines continue to prevent humanitarian organizations from working in all areas of the district outside of the town of Gali. This is of particular concern as reports from civilians who have travelled to villages indicate a precarious humanitarian situation that must be addressed as soon as possible.

14. The spontaneous return of displaced persons to the Gali district appears to have slowed during the past two months, most likely because of the increase in violence in the area. In the light of the discussions that took place at the Gali meeting on 23 and 24 December, humanitarian organizations, in particular UNHCR, have begun contingency planning to support the return of refugees and displaced persons.

15. In pursuance of Security Council resolution 1077 (1996) of 22 October 1996, the United Nations office for the protection and promotion of human rights in Abkhazia, to which reference is made in the Secretary-General's report of 1 July 1996 (S/1996/507 and Add.1, paras. 17 and 18) was opened by the Head of Mission of UNOMIG on behalf of the United Nations High Commissioner for Human Rights on 10 December, International Human Rights Day, in close consultation with the authorities concerned. Representatives of the Friends of the Secretary-General on Georgia, representatives of OSCE and members of non-governmental and international organizations present in Georgia, as well as Abkhaz leaders and local authorities, attended the opening ceremony. In a statement on the occasion, President Shevardnadze welcomed the opening of the office. The immediate priorities of the office are monitoring the human rights situation in Abkhazia and translating the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights into the Abkhaz language. Consultations are under way with OSCE on a memorandum of understanding spelling out the modalities of cooperation between the two organizations with regard to the work of the office.

IV. OPERATIONS OF THE UNITED NATIONS OBSERVER MISSION IN GEORGIA

16. During the reporting period, UNOMIG continued to operate in parts of the security and restricted weapons zones and in the Kodori Valley (see attached map). The mine threat is still restricting the Mission's ability to conduct mobile patrols in the security and restricted weapons zones of the Gali sector, but patrols continue along the main road - the M-27 - as well as in the town of Gali. The deployment of the Mission has not changed since the previous report of 10 October (S/1996/843). The number of military observers in the mission area is currently 125 (see annex). In anticipation of the arrival of the engineering support personnel who will undertake mine-detection and clearing (S/1996/843, para. 31), it is planned to reduce that number gradually to 116 during the forthcoming six months, should the Security Council decide to extend the mandate of UNOMIG.

17. As mentioned in the previous report (ibid., para. 17), UNOMIG has worked assiduously to compensate for the lack of information resulting from the closure of the team bases in the security zone of the Gali sector. Observers in the Zugdidi sector continue to monitor activities south of the Inguri River and in the pockets north of it that are under Georgian control. In addition, the Chief Military Observer has expanded the area covered by the foot patrols in the Gali sector so as to include the areas on the banks of the Inguri River and in the vicinity of the M-27 where the internally displaced persons generally tend to settle. In those communities, as in other areas it patrols, the Mission meets

regularly with village mayors and others to promote dialogue and build confidence among the inhabitants.

18. After a thorough review of the situation, UNOMIG again decided, as it had last winter, to close the Kodori Valley team base at Adjara temporarily with effect from 29 November. However, road and weather conditions permitting, patrols visit the checkpoints of the CIS peacekeeping force and of the Abkhaz army. The base will be reopened in the spring.

19. The Chief Military Observer has continued to chair the weekly police meeting (S/1996/507 and Add.1, para. 23), which is intended as a forum where the head of the Gali militia and the chief of the Zugdidi police discuss security matters and exchange information. While the expansion of this meeting to include representatives of the CIS peacekeeping force and the security services of both sides (S/1996/843, para. 19) did increase its effectiveness for a while, the subsequent absence (beginning on 16 October) of representatives of the Abkhaz militia and security service has forced the Chief Military Observer to suspend the meeting until the Abkhaz side resumes its participation. Meanwhile, the Chief Military Observer regularly meets separately with the police and security services from both sides. The weekly quadripartite meetings, chaired by the Commander of the CIS peacekeeping force and attended by the Chief Military Observer, as well as the local representatives of the Georgian and Abkhaz administrations and their security services, continue to enable both sides to discuss security and humanitarian issues.

20. UNOMIG continues to cooperate with United Nations agencies and non-governmental organizations working on both sides of the Inguri River. At the sector level, UNOMIG medical teams, in addition to their primary task, have again provided first aid to CIS peacekeeping force personnel and to the local population and have often assisted with medical evacuations.

V. SITUATION ON THE GROUND

A. General

21. The situation in the Gali security and restricted weapons zones has remained unsettled and violence increased perceptibly between the anniversary date of the fall of Sukhumi in late September and the end of the Abkhaz "parliamentary elections". In the final weeks of the reporting period there was a marked increase in acts of violence, which involved especially the indiscriminate laying of mines. The casualties resulting from the explosion of those mines were exclusively civilian and mostly among the Georgian population. The manner in which the acts of violence were executed indicates that the groups committing them are well armed, large and familiar with the region, and apparently intent on destabilizing the area. The situation in the Zugdidi sector was also tense at times, often as a result of rumours and misinformation.

22. Mine-laying and attacks on the CIS peacekeeping force and the Abkhaz authorities also continued during the reporting period. The CIS force, in conjunction with UNOMIG, again used the quadripartite meetings to protest against such actions. The Abkhaz militia conducted new "sweep" operations in

the security zone, but did not make massive arrests as it had on previous occasions. The CIS peacekeeping force accompanied the militia on many of the operations in order to monitor their execution. Although the operations were conducted in a relatively restrained and unprovocative manner, the animosity of the largely Georgian population towards the militia continues to be generally strong, particularly in the south-western part of the Gali security zone.

23. During the reporting period, some UNOMIG military observers were threatened at gunpoint, others were the victims of theft and vandalism, but none were harmed. In addition, there was a bomb threat against the UNOMIG headquarters building in Sukhumi during the weekend of the "parliamentary elections". While UNOMIG employs local guards to secure its sector headquarters, their performance is not always reliable. For this reason, the CIS peacekeeping force lent its support to augment local security arrangements during that period and its assistance was particularly useful in providing additional protection to the UNOMIG headquarters in Sukhumi and Gali.

B. Security and restricted weapons zones

24. Several murders, kidnappings, attacks, explosions and acts of looting were reported during the period under review. On 3 October, an Abkhaz army officer was shot dead near an Abkhaz observation post along the Gali Canal. On 28 October, an explosion occurred at the polling station in Achigvara, causing extensive damage. On 3 November, several observation posts of the Abkhaz militia and the CIS peacekeeping force, as well as other targets in Gali town, were attacked with rocket-propelled grenades and bombs. On 14 November, two Abkhaz soldiers were kidnapped in the restricted weapons zone and taken to the Georgian side. Ih addition, the Abkhaz "parliamentary elections" were preceded by a campaign of violence that continued during the elections throughout the Gali security and restricted weapons zones. Many attacks and explosions occurred at or close to Abkhaz polling stations. On 8 December, an Abkhaz army inspection team was ambushed near the Gali Canal. The incident caused the death of three officers, as well as that of a civilian who was caught in the crossfire. On 9 December, in a possible retaliation for the previous incident, three Georgian members of the same family were killed and another wounded in the vicinity of the 8 December incident. On 26 December, an Abkhaz observation post was attacked by several men armed with rockets and small arms and, on 31 December, an Abkhaz businessman was killed in an ambush on the M-27 south of Gali town. In addition to these incidents, four Abkhaz soldiers and militiamen were killed and another two wounded in accidental shootings or brawls.

25. During the reporting period UNOMIG was not involved in any exchange of hostages or of remains of people killed during the war. However, the Mission provided communications and transportation when local leaders from Zugdidi and Gali directly negotiated a body exchange on 5 November. The Commissions for Missing Persons on both sides began discussing the return of approximately 100 bodies of Georgian soldiers who were killed in a plane crash during the war, but negotiations were suspended pending the release of two Abkhaz soldiers kidnapped on 14 November.

26. Both sides continued to violate the Moscow Agreement of 14 May 1994. Between 10 September 1996 and 9 January 1997, UNOMIG reported 8 such violations by the Abkhaz side and 172 by the Georgian side. The majority of the violations, which were protested on the spot, were committed by off-duty unarmed soldiers entering the security zone for private purposes. However, several violations were more serious. Three of them occurred in the Zugdidi sector at a time of high tension and rumours about Georgia's alleged plans to send forces into the Gali sector to prevent the holding of the elections. On 20 November, a Georgian internal forces convoy of 17 vehicles, including 4 armoured ones, which were reportedly on a training exercise, were discovered in the restricted weapons zone. The same day, a paramilitary group of some 50 men, many of whom were internally displaced persons with connections to known insurgent groups, was discovered in a camp in the restricted weapons zone. UNOMIG was initially refused access to investigate. However, following numerous protests, UNOMIG was eventually allowed to visit the unit. The Georgian security service informed the Mission that the unit had been formed to control amnestied criminal elements who had committed crimes in Abkhazia and were now living in the Zugdidi area. They had been given the choice of either joining the unit or being expelled. Also on 20 November, a Georgian artillery unit was seen in the restricted weapons zone and UNOMIG military observers were again denied permission to investigate. Continued protests eventually enabled UNOMIG to enter the camp, where no artillery weapons were found. In addition to the above violations, several Georgian police armoured vehicles entered the restricted weapons zone on 19 and 20 December, reportedly on a training exercise.

C. Kodori Valley

27. The situation in the Kodori Valley remains calm, thanks largely to the continued presence of the Georgian police unit deployed in the area on 6 July 1996 (S/1996/843, para. 28). UNOMIG continues to report a low level of crime in the valley, as well as a greater sense of security among the indigenous Svanetian inhabitants. Occasionally, UNOMIG conducts meetings with Svanetian representatives in the valley. The Mission's relationship with the local population is excellent.

D. The mine problem

28. Mines continue to be a most serious problem in the Gali security and restricted weapons zones. Indeed, the problem has worsened as a result of the use of new types of mines with different initiating techniques.

29. The incident of 27 September (ibid., para. 24) was the first instance of a mine placed directly on the M-27, which is vital to UNOMIG operations. It was also the first time that directional (off-route) anti-personnel mines were used. Since then, UNOMIG has recorded several other cases that demonstrate the wide availability of, and the danger posed by, such mines. In those cases, three different types of initiators were used, including, most significantly, infra-red beams. Other types of anti-personnel mines have also been used, although not extensively, but they continue to constitute a serious threat.

Thus, on 30 November, a civilian was killed when he stepped on a mine on the Inguri River bank. Anti-tank mines also continue to be used frequently. Some, equipped with timing devices, are used as explosive for demolition purposes; others are laid for psychological effect and are easily found and dismantled; yet others are laid covertly and indiscriminately. Four of the latter kind were used recently in incidents involving one CIS peacekeeping armoured vehicle and three Georgian civilian vehicles, which killed six civilians and wounded nine persons, including one CIS peacekeeping force soldier. On 3 January 1997, a civilian bus detonated an anti-tank mine, killing one civilian.

30. In view of this situation, the current restrictions on vehicle patrolling in the Gali security and restricted weapons zones continue and will remain until the Mission is provided with the required logistic support. In the meantime, additional precautions have been taken on the M-27, including the wearing of protective clothing by UNOMIG personnel and visitors and the organization of convoys with at least two UNOMIG vehicles and, when necessary, with a CIS peacekeeping force armoured escort.

31. Council members will recall that in order to improve safety along the M-27, the Mission has begun resurfacing those parts of the road which are judged to be especially vulnerable to mine-laying (S/1996/843, para. 30). In addition, UNOMIG recently conducted an extensive survey of the main roads leading to the former team bases in the Gali sector, which will also be resurfaced with the help of funds generously made available by the Republic of Korea and Germany. The Chief Military Observer has directed that the resurfacing of those roads begin immediately, but the project has been delayed by the lack of asphalt and inclement weather.

32. In his report of 10 October, the Secretary-General informed the Security Council that mine-protected vehicles were on their way to the mission area where they were scheduled to arrive a few weeks later (ibid., para. 31). Regrettably, however, as a result of financial and other difficulties involving the shipping company and the ship's owners, the vessel carrying the vehicles became caught in a legal dispute and the deployment of the equipment in question was seriously delayed. The legal issues have now been resolved and the vehicles are expected to reach the mission area shortly.

33. The Secretariat is still awaiting a reply from a Government, which is known to have suitable equipment, regarding the provision of mine-detection vehicles and support personnel (ibid.). In the interim, a concept of operations has been developed that entails a combination of foot and standing patrols augmented by helicopter observation. The helicopter support would improve UNOMIG operational effectiveness by allowing the Mission to patrol areas beyond what is possible today and cover all of the security zone. In addition, it would enable the Mission to patrol parts of the restricted weapons zone, as well as to provide back-up medical support to the observers. It should be noted that UNOMIG and the CIS peacekeeping force already have a back-up system in place that alerts the force in case one of the foot patrols operating in the security zone finds itself in danger. The Chief Military Observer believes that the air support will facilitate the reopening of team bases in the Gali security zone and permit foot patrolling under acceptable security conditions in otherwise inaccessible areas.

34. In their recent démarches to President Shevardnadze and Mr. Ardzinba (see para. 6 above), the representatives in Tbilisi of the group of Friends of the Secretary-General on Georgia expressed their concern about the intensification of violence by armed groups in the security and restricted weapons zones, which is creating great danger not only for the CIS peacekeeping force and UNOMIG, but also for the civilian population. In addition, they called on both sides to refrain from any action that could contribute to the heightening of tensions and to act against those who are destabilizing the situation.

VI. COOPERATION BETWEEN THE UNITED NATIONS OBSERVER MISSION IN GEORGIA AND THE COLLECTIVE PEACEKEEPING FORCES OF THE COMMONWEALTH OF INDEPENDENT STATES

35. Cooperation between UNOMIG and the CIS peacekeeping force has improved considerably. For the past several months now, the force has demonstrated its readiness to support UNOMIG, within the limits of its resources, and has become more mobile in the Gali sector. In particular, it has escorted UNOMIG patrols along the M-27 when the situation was especially unstable and it has conducted joint patrols with armoured vehicles, which has enabled UNOMIG to re-enter some areas of the Gali security zone. In addition, the CIS peacekeeping force adopted a more active concept of operations during the Abkhaz "parliamentary elections", thus contributing significantly to their relatively peaceful outcome, and ensured the security of UNOMIG facilities. Close cooperation between both medical staff has also continued.

36. On 17 October, the CIS Council of Heads of State decided to expand the mandate of the force and to extend it until 31 January 1997 (S/1996/874, annex). Subsequently, the Commander of the CIS peacekeeping force signed an agreement with the local Abkhaz authorities that calls for joint operations and coordination of efforts to fight armed groups in the area. However, the force has not so far received any reinforcement to carry out its new tasks. The Chief Military Observer has advised the Secretary-General that the expanded mandate of the force does not affect the Mission's concept of operations or require a change in its own mandate.

VII. FINANCIAL ASPECTS

37. By its resolution 50/237 of 7 June 1996, the General Assembly appropriated an amount of $17,089,600 (gross) for UNOMIG for the period from 1 July 1996 to 30 June 1997. This authorization is subject to the decision of the Security Council to extend the mandate of the Mission.

38. Should the Security Council decide to extend the mandate of UNOMIG beyond 31 January 1997, as is recommended in para. 47 below, the monthly cost of maintaining the Mission until 30 June 1997 will be limited to the appropriation contained in General Assembly resolution 50/237 (equivalent to $1,424,100 per month). The Secretary-General will report to the Assembly on the additional requirements needed, if any, for the maintenance of the Mission beyond 30 June 1997.

39. As at 31 December 1996, unpaid assessed contributions to the UNOMIG Special Account amounted to $6.7 million. The total of outstanding assessed contributions for all peacekeeping operations at that date amounted to $1.6 billion.

VIII. SOCIAL AND ECONOMIC ASPECTS

40. During 1996 the Government of Georgia has continued the implementation of the economy recovery programme. Economic stabilization progressed, giving rise to an increase in economic, technical and development-oriented assistance. In parallel, emergency and humanitarian aid decreased continuously. However, humanitarian support continues to be needed, particularly in the areas of reconstruction and rehabilitation. Such activities, in particular in the areas of education and health, are essential to complement the efforts of the Government to achieve macroeconomic stability in the country, because they will minimize the risk that social tensions might derail the process of economic reform. The Government continues to ensure proper coordination of donor activities with assistance from various United Nations and other organizations.

41. United Nations operational activities for development are being coordinated by the United Nations Resident Coordinator. The United Nations Development Programme (UNDP) is providing the Government with advice on policy and financial assistance for capacity-building in the economic and social sectors.

IX. OBSERVATIONS

42. In the most recent report to the Security Council concerning the situation in Abkhazia, Georgia (S/1996/843), the Secretary-General indicated that he would consider what steps could be taken by the United Nations to reinvigorate the peace process. He held consultations to that end with the Special Envoy and his Deputy in New York in late November 1996.

43. Recently the parties themselves have begun to revitalize the peace process by meeting bilaterally at high levels. This is an encouraging development and the Secretary-General appeals to both sides to intensify the search for a peaceful solution by further expanding their bilateral contacts. In the end it is the parties to the conflict who have to make peace.

44. The role of the United Nations at present should be to support the efforts of the two sides to arrive at mutually acceptable compromises that would underpin an overall settlement. To that end, it is intended to initiate contacts in the region in the near future with the two sides with a view to assisting them in their apparent attempt to unblock the peace process. The modalities of cooperation between the United Nations and the Russian Federation, in its capacity as facilitator in the Georgian/Abkhaz peace process, merit early discussion and this matter will be pursued with the Russian authorities.

45. There are a number of possibilities for reviving the role of the United Nations in the peace process. One would be to initiate United Nations-led expert meetings at the local level. Such meetings could cover fields such as

energy, transportation and communications. Such discussions would help the parties to recognize their common interest in building a strong economic and social base throughout Georgia. Another possibility would be to resume United Nations-led negotiations on the future political status of Abkhazia within the territorial integrity of Georgia.

46. As reflected in the present report, conditions in the Gali sector have not improved. Acts of violence continue to be committed, some of which appear to be organized by armed groups operating from south of the Inguri River and to be beyond the control of the Government of Georgia. In addition, the increased sophistication demonstrated by armed groups responsible for the more recent acts of violence is cause for concern. This situation, if allowed to continue, will inevitably make it more difficult for UNOMIG to contribute to the creation of conditions conducive to the safe and orderly return of refugees once that process finally resumes. The Abkhaz militia, for its part, does not seem to have the capacity to control these groups and the CIS peacekeeping force, which itself has been targeted by these elements, has so far not been able to suppress them. The Secretary-General therefore calls on all concerned to take effective measures to end a situation that can only have negative effects for the return of peace to the region.

47. In spite of the difficult circumstances in which UNOMIG has to operate, the Mission's presence continues to be a stabilizing factor in the area and provides useful support to the political process. Accordingly, bearing in mind the wish of the international community that the political process be reactivated to reach a comprehensive political settlement, The Secretary-General recommends that the Security Council extend the mandate of UNOMIG for an additional period of six months ending on 31 July 1997.

48. The Secretary-General wishes to take this opportunity to thank the Government of Germany for contributing to the voluntary fund established under Security Council resolution 937 (1994) of 21 July 1994 and calls on other Member States to make similar contributions.

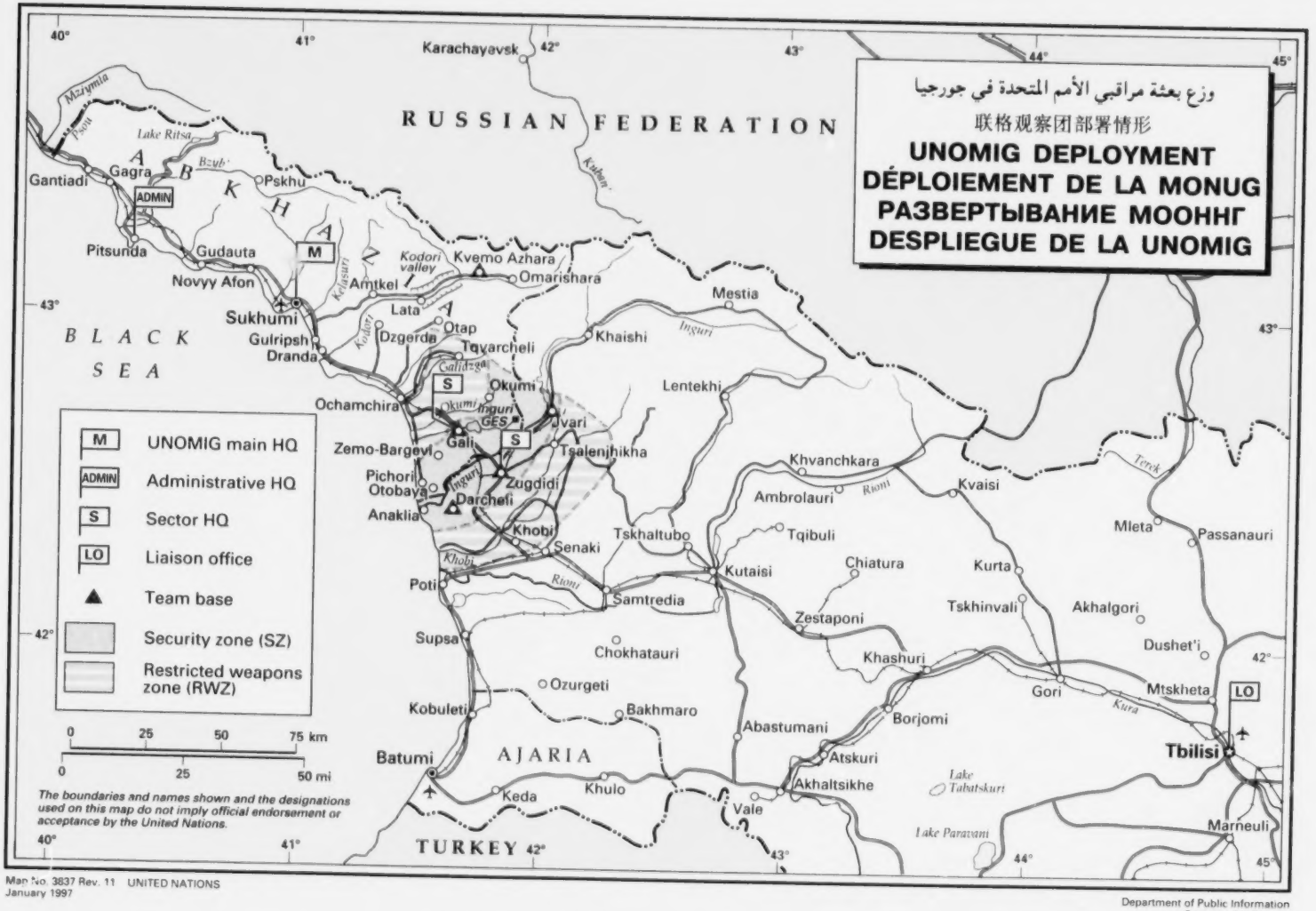
49. Finally, thanks are due to the Special Envoy of the Secretary-General, Ambassador Edouard Brunner, his Deputy and Head of Mission of UNOMIG, Mr. Liviu Bota, the Chief Military Observer, Major-General Per Källström, and all the military and civilian personnel under their command, for their dedication and perseverance in carrying out, under difficult and at times dangerous conditions, the tasks entrusted to them by the Security Council.

Annex

Composition of the United Nations Observer Mission in Georgia as at 9 January 1997

Country	Military observers
Albania	1
Austria	4
Bangladesh	10
Cuba	4
Czech Republic	4
Denmark	5
Egypt	5
France	5
Germany	10
Greece	4
Hungary	6
Indonesia	5
Jordan	7
Pakistan	7
Poland	5
Republic of Korea	5
Russian Federation	3
Sweden	8
Switzerland	5
Turkey	5
United Kingdom of Great Britain and Northern Ireland	9
United States of America	4
Uruguay	4
Total	125[a]

[a]The number of military observers may vary owing to rotations.



Map No. 3837 Rev. 11 UNITED NATIONS
January 1997

Department of Public Information
Cartographic Section

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1997/48
20 January 1997

ORIGINAL: ENGLISH

REPORT BY THE SECRETARY-GENERAL CONCERNING THE CREDENTIALS OF THE ALTERNATE REPRESENTATIVES OF THE REPUBLIC OF KOREA ON THE SECURITY COUNCIL

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a letter dated 17 January 1997 from the Permanent Representative of the Republic of Korea to the United Nations, stating that Mr. Do Hoon Lee, Mr. In Chul Kim and Mr. Chae Hyun Shin have been appointed alternate representatives of the Republic of Korea on the Security Council.

In the opinion of the Secretary-General, that communication constitutes adequate provisional credentials.

97-01451 (E) 200197

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1997/49
20 January 1997

ORIGINAL: ENGLISH

Draft resolution

The Security Council,

Expressing its full support for the peace process in Guatemala,

Noting the fact that the peace process in Guatemala has been monitored by and under the auspices of the United Nations since 1994,

Noting the letter to the President of the Security Council dated 20 January 1997 from the Permanent Representative of the People's Republic of China to the United Nations (S/1997/53),

Recalling the Framework Agreement for the Resumption of the Negotiating Process between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG) of 10 January 1994 (S/1994/53, annex) and all subsequent agreements, in which the parties agreed to request the United Nations to carry out international verification of the peace accords,

Acknowledging the efforts of the Secretary-General, the Group of Friends of the Guatemala Peace Process, the international community, the United Nations system and other international agencies in support of the peace process,

Taking note of the report of the Secretary-General of 26 November 1996 (S/1996/998) on the United Nations Mission for the Verification of Human Rights and of Compliance with the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA), which states that verification measures related to the agreement on the definitive ceasefire signed at Oslo on 4 December 1996 (S/1996/1045, annex) would involve inter alia the deployment of United Nations military personnel,

Taking note also of the report of the Secretary-General of 17 December 1996 (S/1996/1045*) outlining the measures necessary for the verification of the agreement on the definitive ceasefire and the addenda to this report of 23 and 30 December 1996 (S/1996/1045, Add.1 and Add.2), and noting that the ceasefire will enter into force on the date the United Nations mechanism is in place with full operational capacity,

Welcoming the agreements between the Government of Guatemala and the URNG which were signed at Guatemala City on 29 December 1996 and which, with the overall package of peace accords signed in Madrid, Mexico City, Oslo and Stockholm, put a definitive end to the Guatemalan internal conflict and will foster national reconciliation and economic development,

1. Decides, in accordance with the recommendations contained in the report of the Secretary-General of 17 December 1996, to authorize for a three month period the attachment to MINUGUA of a group of 155 military observers and requisite medical personnel for the purposes of verification of the agreement on the definitive ceasefire, and requests the Secretary-General to notify the Council no later than two weeks before the operation is to begin;

2. Calls upon both parties to implement fully their commitments under the agreements signed in Guatemala City and to cooperate fully with the verification of the ceasefire, separation of forces, disarmament and demobilization of URNG combatants, as well as commitments under the other agreements in the overall package of Peace Accords;

3. Invites the international community to continue its support for the peace process in Guatemala and, in particular, for the implementation of the agreements referred to in paragraph 2 above;

4. Requests the Secretary-General to keep the Council fully informed on the implementation of this resolution and to report on the conclusion of the military observer mission.

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1997/50
20 January 1997

ORIGINAL: ENGLISH

LETTER DATED 31 DECEMBER 1996 FROM THE PRESIDENT OF THE GOVERNING COUNCIL OF THE UNITED NATIONS COMPENSATION COMMISSION ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith, through you, for the information of the Security Council, the following details concerning the twenty-third regular session of the Governing Council of the United Nations Compensation Commission (UNCC), held at the Palais des Nations at Geneva on 16 and 17 December 1996.

At its 65th meeting, the Governing Council heard statements from the representatives of the following non-member States: Bosnia and Herzegovina, Iraq, Kuwait, Lebanon, Sudan, Thailand, the former Yugoslav Republic of Macedonia, Turkey and Yemen.

During the meeting, the Governing Council also heard a comprehensive report by the Executive Secretary, Mr. Carlos Alzamora, on the activities of the Commission (see annex I). The Council noted with appreciation that the total number of claims approved for payment would be, by the end of the session, more than US$ 1 million for a total awarded amount of $5.25 billion. Referring to the implementation of Security Council resolution 986 (1995) and its positive impact on the financial situation of the Commission, the Executive Secretary informed the Council that, on the basis of the 30 per cent revenue of the Compensation Fund, approximately $142 million could be paid to 56,000 successful claimants in categories A (individual claims for departure from Iraq or Kuwait) and C (individual claims for losses up to $100,000) in early 1997, each claimant receiving an initial payment of $2,500 on the amount awarded. Also, the availability of the necessary resources should allow that the panels of the Commissioners appointed to review claims in categories D (individual claims for losses over $100,000), E (corporate claims) and F (governmental claims) start their review of claims during the first quarter of 1997.

During its 66th meeting, the Governing Council adopted the fourth report and recommendations of the Panel of Commissioners (S/AC.26/1996/4) regarding the latest instalment of category C claims. The fourth instalment includes 71,703 claims, with a total awarded compensation of over $637 million. As a result, approximately 200,000 claims in category C have so far been awarded compensation

for a total amount of over $1.4 billion, and the Commission has completed the processing of almost half of the category C claims that it has received. As the Council has previously been informed, the processing of all claims in categories A and B has already been completed.

The Governing Council also approved the report and recommendations of the Panel of Commissioners appointed to review the well blowout control claim put forward by the Kuwait Oil Company for the cost of extinguishing oil well fires (S/AC.26/1996/5 and S/AC.26/1996/5/Annex). The Council approved the amount of $610,048,547 recommended by the Panel of Commissioners as compensation to the Kuwaiti oil sector, without prejudice to adjustments that might be reached concerning allocation of costs after the review of other related Kuwait Oil Company claims.

In addition, during its session, the Governing Council considered reports submitted by a number of Governments on the distribution of compensation awarded to successful claimants in category B. The Council agreed that further discussion was needed regarding the situation where, following the transfer of funds to the relevant Governments or international organizations, awarded compensation has not been distributed to individual claimants, for one reason or another, after a reasonable period of time has elapsed.

The Governing Council also considered a number of claims in categories B, C and E that were submitted after the relevant filing deadlines. The Council accepted for filing two individual claims for losses caused by a mine explosion, as well as one corporate claim in category E that met the criteria previously adopted by the Council for accepting late claims.

At the closing of the session, the members of the Governing Council thanked the outgoing members of the Council, and in particular the presidency, for their valuable contribution to the work of the Commission in the past two years. Finally, the Governing Council, noting that it was the last participation of the Executive Secretary, Mr. Carlos Alzamora, in a regular session of the Council, commended his dedication to this unprecedented compensation operation and conveyed the Council's high appreciation for the work performed by Mr. Alzamora and his team, and the outstanding results achieved since Mr. Alzamora's appointment in July 1991.

I avail myself of this opportunity to thank you and the members of the Security Council, for the Council's continuing interest and concern in the work of the Commission.

(Signed) Giuseppe BALDOCCI
President of the Governing Council
United Nations Compensation Commission

Annex I

Report of the Executive Secretary of the Governing Council*

1. The cloud of financial uncertainty under which this Commission has been operating all of these years has finally been dispelled with the resumption of Iraqi oil sales and the firm prospect of incoming revenues shortly.

2. In addition to solving the problem of the operating costs of the Commission, this positive development will provide the needed relief to both the Iraqi people and to the innocent victims of Iraq's invasion of Kuwait, underlining once more the humanitarian dimension of this operation and opening the way to speed up the achievement of the Commission's final goals.

3. On the basis of the incoming resources generated by resolution 986 (1995), the Commission, during the first quarter of 1997 will make the payment of approximately $142 million to 63 Governments and one international organization for 56,000 successful claimants in the first instalments of categories A and C, in accordance with decision 17 of the Governing Council, which provides that each successful claimant will initially receive $2,500. The relevant data will be available to the Governing Council.

4. Anticipating these results, the Council's Committee on Administrative Matters approved in principle the draft budget for 1997 for an amount of $28.5 million and the United Nations Controller approved the extension for one year of the employment contracts of the staff of the United Nations Compensation Commission, thereby consolidating the stability and the morale of the secretariat.

5. The responses to the appeal that we addressed to the major claimant countries to secure the timely financing of the budget have greatly advanced and sustained these goals.

6. The Government of Kuwait has made a recoverable contribution of $5 million and the Government of the United States of America one of $3.3 million. Other Governments have informed us that they have contributions for immediate consideration. The receipt of the first revenues from the implementation of resolution 986 (1995) will allow us to reimburse very quickly all of these timely and encouraging expressions of support, and that could still speed up the early approval and implementation of the 1997 budget.

7. Turning to the processing of claims, the Governing Council has before it for its consideration two reports.

8. The Panel of Commissioners appointed to review the category C claims has completed its examination of the fourth instalment, and its corresponding report and recommendations are before the Council. This instalment of more than 71,000

* Previously issued as S/AC.26/1996/R.32.

claims from 51 Governments and three international organizations marks the completion of the resolution of approximately half of all category C claims.

9. The Council also has before it the executive summary and the report and recommendations of the Panel appointed to review the well blowout control claim filed by the Kuwait Oil Company. This executive summary provides information on the facts and contentions of the claim and the findings of the Panel, as well as the Panel's recommendations. The annex to the executive summary provides the full text of the report and recommendations of the Panel. Following the guidelines of the Council on ways and means to cut expenditures, the annex is available in one language only.

10. Regarding category A claims, and following the approval by the Council at its October session of the report of the Panel on the last instalment of such claims, the relevant Governments and international organizations have been provided with breakdowns of the amounts respectively awarded.

11. The category D, E and F Panels each held a preparatory meeting with the secretariat at the beginning of this month. Counting on the availability of the necessary resources, the three Panels are expected to start officially the review of category D, E and F claims during the first quarter of 1997 with the assistance of the required accountants and loss adjusters.

12. As requested by the Panel appointed to review the Egyptian workers claim, the Government of Iraq has recently submitted its comments in response to the submission filed by the Government of Egypt. This will allow the Panel to resume its work in the course of next year to decide on the merits of those claims found to be within the Commission's jurisdiction.

13. Article 16 report No. 17 was issued on 31 October 1996, bringing the total number of claims reported to over 2.6 million for a total amount sought of over $20.4 billion. Future reports will continue to focus on category D, E and F claims and will provide as an annex an updated list of the total claims approved by the Council.

14. Finally, and upon the Council's request, the secretariat has prepared a document on the distribution of awards to successful claimants in category B pursuant to decision 18, particularly with respect to the amounts that, for whatever reason, have not yet been distributed by the Governments or international organizations concerned.

15. Since this is the last regular meeting of the Council that I will attend in my capacity as Executive Secretary, I would ask the indulgence of the Council members to let me share a few personal reflections about the Commission and its future work.

16. The first one is that, by having established and implemented the largest compensation operation in history in record time and at minimum cost, the international community, acting through the United Nations, has confirmed the potential and capacity of the world organization to meet new and unprecedented challenges and to do it better than such operations performed outside its scope.

17. The Commission has also seen a precious display of unity of purpose and action. The fact that all the Council's decisions, without exception, have been adopted by consensus, that all of the Panels of Commissioners have also been appointed by consensus, that all of their recommendations have been reached unanimously and that all were also approved by the Council by consensus, confers on this Commission outstanding political, legal and moral credibility.

18. The Commission's operations also constituted a very democratic process in which no veto power was considered, all claimant countries were treated equally and, for the first time in history, an absolute priority was given to individual claimants, particularly the most deprived and needy, which added a significant humanitarian dimension to the Commission's work.

19. This operation has also been a demonstration of independence, impartiality, objectivity and professionalism, within the political framework given to the Commission and determined by historical circumstances and realities.

20. Within the scope of our competence, we have provided all the parties with the maximum possible guarantees of fairness and quality in all of the stages of our work. The first appointed Commissioner was a former President of the International Court of Justice. Such is a measure of the quality of the Panels, which were always chosen with a keen and balanced criteria of individual competence and geographical distribution.

21. During these five decisive years, in almost every Panel there has been an Arab or a Moslem Commissioner. We have given every country the opportunity to present its views to this Council whenever they wanted to do it. No Commissioner has ever been challenged on grounds of independence, origin, competence, integrity or for any other reasons whatsoever.

22. In fact, I am proud to say that the Commission has only received praise, support and encouragement from the almost 100 claimant Governments, as well as from the Security Council, the Secretary-General, the press and the claimants themselves. And it is significant that the newly selected Secretary-General, Mr. Kofi Annan, was closely associated with the inception of the Commission, provided its first operative administrative guidelines and discussed its early implementation with the secretariat at La Pelouse in November 1991, particularly on the status and prerogatives of the Commissioners and the establishment of the Compensation Fund.

23. Our operation has moved at a spectacular and unprecedented pace. Established only two and a half months after the end of the hostilities, the Governing Council had its first meeting two months later, during which I was also appointed. Less than six months later the first claim forms were distributed to all States members of the United Nations, and one month after that the first claims began to arrive. We have by today resolved most of the 2.6 million claims filed, and we have awarded over $5 billion in compensation to successful claimants from practically all of the claiming countries.

24. As far as the qualifications of the staff of the United Nations Compensation Commission are concerned, let me only quote the presentation that the Government of Iraq made to the Governing Council on 27 July 1996, in which

it noted that "the secretariat has, without doubt, highly qualified and competent legal staff". I know that others share this assessment and I am convinced that the same qualifications go also for the other sections of the secretariat.

25. It would have been perhaps better if the other concurrent processes, which in the final analysis determined the practical fate of this operation, had moved faster. There is a momentum to every historic event that should not be missed if it is to achieve its ultimate goals. But now we are finally seeing the light at the end of the tunnel, a long and dark tunnel that not only had budgetary effects for the Commission but threatened the accomplishment of its final mission.

26. As far as our responsibilities are concerned, this has indeed been a successful story. However, I firmly believe that to pass the final test of history the Commission still has to resolve definitely two pending issues: the achievement of full transparency and accountability, and the expansion and consolidation of the elements of due process that are already in play.

27. On the issue of confidentiality, I hope that the time will come when, in the same way that the Governing Council, the Panels of Commissioners and the secretariat have publicly stood by their respective responsibilities, all of the claimants will also openly stand by theirs. I realize and understand the political and psychological factors that still condition this possibility in particular cases, but I trust that with the evolution of the regional political environment that we see on the horizon, the Commission will be able to reach in time the goal of full and open accountability for all cases, particularly at this time when we begin to make the first substantial payments of compensation.

28. On the consolidation of the elements of due process I also believe that the Commission, which has already taken important steps in this direction and has the issue under consideration, will find ways to further encourage and facilitate the increased participation of the Government of Iraq in the Commission's activities, while preserving the necessary guarantees for the stability, advancement and success of this operation.

29. In a world of constant change that does not allow for static and rigid criteria and practices, the Commission needs to have under continuous observation these fluctuating and interconnecting scenarios in order to anticipate their evolution and the adjustments that they could require, if the Commission is to reach its final goals and to leave a legacy of realistic and tangible achievements.

30. I am not raising these two issues simply because I am leaving. I raised them in 1992, as delegations may recall, and again at the Council meeting last July.

31. I am firmly convinced that with the final fine tuning of these ultimate requirements, this United Nations compensation operation will pass into history as a model of effectiveness, correction and fairness in the delicate and difficult circumstances that led to its creation, and that its work, its rules

and its results will guide and shape the outcome of future compensation operations.

32. Let me finish by expressing my deep gratitude to the members of the Council for all of the support and the trust that you have bestowed upon me and the secretariat. It has been for me a rewarding professional and personal experience to work along with you in this extraordinary and fascinating worldwide enterprise.

33. I would also like to render appreciation and gratitude to the secretariat staff, beginning with the Deputy Executive Secretaries and my closest colleagues present here. The sense of commitment, devotion and unity of the United Nations Compensation Commission is, in my opinion, unique and has allowed us to keep the spirit of a family that we forged when we were less than 10 in number, even now when we are more than 10 times the original core group.

34. The rich variety of geographical, ethnic, cultural and linguistic origins within the staff of the Commission has served, as I intended, to centre and balance the work of the secretariat to meet the required high standards of independence, effectiveness and impartiality, which are expected from a United Nations operation.

35. And I would like to address my last words to you, Mr. President, to your mission and to the outstanding work of the Chairman of the Working Group, Mr. Milesi Ferreti.

36. To you, Mr. President, I would like to express my regard and admiration for your skilful and experienced leadership, and for your devotion to the responsibilities of the Presidency and to the success of this Commission. We had always the closest understanding and the friendliest cooperation and I will always cherish this personal and professional association with you.

37. Many thanks also to all of the staff of the United Nations Office at Geneva who have always assured the best service at these meetings and contributed to their success.

38. To leave when I am finally able to announce to dozens of claimant Governments and tens of thousands of their nationals our first substantial payments constitutes for me a gratifying sense of achievement and a joyful feeling of fulfilment that I so gratefully share with the Council, the Panels and the whole secretariat.

39. To all of you, dear friends, my deepest thanks and my best wishes.

Annex II

Decision concerning the fourth instalment of individual claims for damages up to US$ 100,000 (category "C" claims) taken by the Governing Council of the United Nations Compensation Commission at its 66th meeting, held on 17 December 1996 at Geneva**

The Governing Council,

Having received, in accordance with article 37 of the Provisional Rules for Claims Procedure (S/AC.26/1992/10), the fourth report of the Panel of Commissioners appointed to review individual claims for damages up to US$ 100,000 (category "C" claims), covering 71,703 individual claims,[1]

1. Approves the recommendations made by the Panel of Commissioners, and, accordingly;

2. Decides, pursuant to article 40 of the Rules, to approve the amounts of the recommended awards concerning the 70,558 claims covered in the report. The aggregate amounts per country or international organization, as listed in paragraph 11 of the report, are as follows:

** Previously issued as S/AC.26/Dec.39 (1996).

[1] The text of the report is contained in document S/AC.26/1996/4. In conformity with the provisions on confidentiality in the Provisional Rules for Claims Procedure (arts. 30, para. 1, and 40, para. 5), a table containing the breakdown of the amounts to be paid to each individual claimant will not be made public, but will be provided to each respective Government and international organization separately.

Summary of fourth instalment recommendations

Country	Number of claims recommended for payment	Amount of compensation recommended (United States dollars)
Algeria	2	23 763.09
Australia	8	122 481.32
Austria	2	28 397.02
Bahrain	1	20 328.64
Bangladesh	108	782 755.06
Bosnia and Herzegovina	1	43 231.56
Bulgaria	16	85 558.62
Canada	63	1 243 162.58
China	2	17 017.83
Croatia	4	23 009.59
Czech Republic	6	155 531.10
Denmark	9	219 836.74
Egypt	18 312	119 711 643.43
Ethiopia	22	64 316.37
Finland	1	9 300.00
Federal Republic of Yugoslavia (Serbia and Montenegro)	1	19 771.44
France	35	492 132.20
Germany	34	566 928.16
Greece	6	150 205.89
Hungary	8	123 238.70
India	5 869	44 834 752.51
Ireland	41	502 371.34
Italy	15	397 973.21
Japan	79	851 168.11
Jordan	2 385	23 857 531.37
Kenya	1	11 639.22
Kuwait	40 649	409 227 615.37
Lebanon	14	260 004.42

Summary of fourth instalment recommendations

Country	Number of claims recommended for payment	Amount of compensation recommended (United States dollars)
Mauritius	8	25 647.68
Morocco	3	37 083.44
Nepal	1	4 028.09
Netherlands	3	89 825.20
New Zealand	4	79 478.21
Nigeria	2	6 969.03
Pakistan	1 245	11 801 874.79
Philippines	219	712 314.51
Poland	27	243 154.44
Senegal	1	4 505.19
Slovakia	4	60 003.67
Somalia	1	4 117.65
Spain	3	77 922.94
Sri Lanka	1	15 743.94
Sudan	1	11 750.74
Sweden	6	153 091.31
Switzerland	1	7 384.86
Thailand	12	49 748.52
Tunisia	12	156 314.93
Turkey	152	1 257 021.33
United Kingdom of Great Britain and Northern Ireland	705	13 005 244.53
United States of America	428	5 542 379.86
Yemen	9	185 816.11
UNDP Jerusalem	3	94 379.67
UNDP Kuwait	1	6 394.46
UNDP Washington	1	15 138.41
UNDP Yemen	4	57 578.34
UNHCR Canada	4	62 414.01

Summary of fourth instalment recommendations		
Country	Number of claims recommended for payment	Amount of compensation recommended (United States dollars)
UNHCR Geneva	2	21 249.45
UNRWA Vienna	1	9 204.15
Total	70 558	637 643 444.35

3. Decides, pursuant to article 41 of the Rules, to approve the amounts of the corrected awards for seven claims from the first instalment and forty-two claims from the second instalment.[2] The aggregate amounts of the corrected awards per country as listed in paragraphs 12 and 13 of the report, are as follows:

First instalment corrections		
Country	Previous recommended award (United States dollars)	Corrected recommended award (United States dollars)
United Kingdom of Great Britain and Northern Ireland	5 329 138	5 322 359
United States of America	10 423 601	10 514 246
Federal Republic of Yugoslavia (Serbia and Montenegro)	661 219	616 860

[2] In conformity with the provisions on confidentiality in the Provisional Rules for Claims Procedure (arts. 30, para. 1, and 40, para. 5), a table containing the breakdown of the corrected amounts to be paid to each individual claimant will not be made public, but will be provided to each respective Government and international organization separately.

Second instalment corrections		
Country	Previous recommended award (United States dollars)	Corrected recommended award (United States dollars)
Egypt	132 012 193.12	131 970 764.32

4. Reaffirms that when funds become available payments shall be made in accordance with decision 17 (S/AC.26/Dec.17 (1994));

5. Recalls that, when payments are made in accordance with decision 17 and pursuant to the terms of decision 18 (S/AC.26/Dec.18 (1994)), Governments and appropriate authorities concerned shall distribute amounts received in respect of approved awards within six months of receiving payment, and shall, not later than three months after the expiration of this time limit, provide information on such distribution;

6. Decides that no compensation shall be awarded concerning the 1,145 claims referred to in paragraph 11 of the report;

7. Requests the Executive Secretary to provide copies of the report to the Secretary-General and copies of the report as well as the tables containing the breakdown of the amounts to be paid to each individual claimant to each respective Government and international organization.

Annex III

Decision concerning the well blowout control claim taken by the Governing Council of the United Nations Compensation Commission at its 66th meeting, held on 17 December 1996 at Geneva***

The Governing Council,

Recalling that the Panel of Commissioners for the well blowout control claim was appointed specifically in light of the claim's special nature and special circumstances,

Having received in accordance with article 38 of the Provisional Rules for Claims Procedure, the executive summary of the report and recommendations of the Panel of Commissioners appointed to review the well blowout control claim (the "executive summary"),[1]

1. Approves the recommendations made by the Panel of Commissioners and, accordingly;

2. Decides, pursuant to article 40 of the Rules, to approve the amount of the recommended award of US$ 610,048,547, as referred to in paragraph 45 (a) of the executive summary, to Kuwait Oil Company on behalf of Kuwait's public oil sector as a whole, without prejudice to adjustments, where necessary, that might be reached concerning allocation of costs after the review of other related Kuwait Oil Company claims;

3. Decides that the payment of claims in accordance with paragraph 6 of decision 17 (S/AC.26/Dec.17 (1994)) and future decisions of the Governing Council on the priority of payment and the payment mechanism are in no way affected by this decision;

4. Notes that, to the extent specified in paragraphs 45 (e), 45 (f), 45 (g) and 45 (h) of the executive summary, Kuwait Oil Company may amend its other claims before the Commission, for examination by the relevant Panels of Commissioners;

5. Decides that no compensation shall be awarded concerning the claims referred to in paragraphs 45 (c) and 45 (d) of the executive summary;

6. Requests the Executive Secretary to provide copies of the executive summary and its annex to the Secretary-General, to the Government of Kuwait and to the Government of Iraq.

*** Previously issued as S/AC.26/Dec.40 (1996).

[1] The text of the executive summary is contained in document S/AC.26/1996/5. For the annex containing the text of the Panel's report and recommendations concerning the well blowout control claim, see document S/AC.26/1996/5/Annex.

UNITED NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/51/776
S/1997/51
20 January 1997

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-first session
Agenda item 40
THE SITUATION IN CENTRAL AMERICA:
PROCEDURES FOR THE ESTABLISHMENT OF
A FIRM AND LASTING PEACE AND PROGRESS
IN FASHIONING A REGION OF PEACE, FREEDOM,
DEMOCRACY AND DEVELOPMENT

SECURITY COUNCIL
Fifty-second year

Identical letters dated 16 January 1997 from the Secretary-General addressed to the President of the General Assembly and to the President of the Security Council

I have the honour to transmit herewith the texts of two agreements pertaining to the Guatemalan peace process, which were signed by the Peace Commission of the Government of Guatemala (COPAZ) and the General Command of the Unidad Revolucionaria Nacional Guatemalteca (URNG) under the auspices of the United Nations in December 1996.

The Agreement on Constitutional Reforms and the Electoral Regime (annex I) was signed in Stockholm on 7 December 1996 in the presence of the Swedish Minister for International Cooperation, Immigration and Asylum Policy, Mr. Pierre Schori, and senior officials of the countries that are members of the Group of Friends of the Guatemalan Peace Process (Colombia, Mexico, Norway, Spain, the United States of America and Venezuela). Also present was a delegation of personalities representing a broad array of sectors of Guatemalan society.

This Agreement contains a series of proposals for constitutional reform that the Government of Guatemala is to place before the Congress within 60 days of the signing of the Agreement on a Firm and Lasting Peace, which occurred on 29 December 1996. The proposals focus mainly on the recognition of the identity and rights of indigenous peoples and the mandate and structure of the country's security forces. The Agreement also provides for the establishment by the Supreme Electoral Tribunal of an Electoral Reform Commission to review and modernize the various stages of the electoral process.

The Agreement on the Basis for the Legal Integration of URNG (annex II) was signed by the Parties in Madrid on 12 December 1996, in the presence of the Spanish Foreign Minister, Mr. Abel Matutes, senior representatives of the Group of Friends and the same delegation of Guatemalan personalities that attended the signing ceremony in Stockholm.

This Agreement outlines a comprehensive programme for the integration of URNG members into Guatemalan society. It provides, inter alia, for the establishment of a joint Government/URNG commission to coordinate and facilitate integration projects and contains provisions to be included in a National Reconciliation Act that will constitute the legal framework for this integration.

I should be grateful if you could issue the present letter and its annexes as a document of the General Assembly, under agenda item 40, and of the Security Council.

(Signed) Kofi A. ANNAN

ANNEX I

[Original: Spanish]

Agreement on Constitutional Reforms and the Electoral Regime

I. CONSTITUTIONAL REFORMS

Whereas the Constitution in force since 1986 sets forth the responsibility of the State, as the expression of the legal and political organization of society, for promoting the common good and the consolidation of the rule of legality, security, justice, equality, freedom and peace, and defines as a central concern the promotion of the full enjoyment of human rights within a stable, permanent and popular institutional order in which governed and government act with absolute adherence to the law,

Whereas in the Oslo Agreement of 30 March 1990, the delegation of the National Reconciliation Commission of Guatemala (CNR), acting with the full support of the Government of Guatemala, and the delegation of the Unidad Revolucionaria Nacional Guatemalteca (URNG), acting with the full support of its General Command, placed on record their express determination to find ways to solve the nation's problems peacefully by political means,

Whereas on 24 April 1991, the process of direct negotiation began between the Government of the Republic of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG), the Parties having pledged that the political agreements reached would reflect the legitimate aspirations of all Guatemalans and would be drawn up in accordance with the constitutional framework in force and with the El Escorial agreements, in which URNG and the country's political parties had pledged to promote such reforms of the Political Constitution of the Republic as were necessary for the reconciliation of all Guatemalans, the ending of the internal armed conflict, the peaceful solution of the nation's problems by political means and full respect for and application of the law,

Whereas the constitutional reforms contained in this Agreement constitute a substantive, fundamental basis for the reconciliation of Guatemalan society within the framework of the rule of law, democratic coexistence, full observance of and strict respect for human rights, an end to impunity and, at the national level, the institutionalization of a culture of peace based upon mutual tolerance and respect, shared interests and the broadest possible public participation in all structures of power,

Whereas the above-mentioned reforms will contribute to political stability, the strengthening of civilian power and the agreed redefinition of the functions of the armed forces for the new era in the country's history which will begin with the signing of the Agreement on a Firm and Lasting Peace,

Whereas the above-mentioned reforms also systematize and develop the spirit and the letter of the commitments signed on institutional, political, economic,

social and ethnic issues, on human rights and their strict observance and on efforts to combat impunity,

Whereas, at the national level, recognition of the identity of indigenous peoples is of fundamental importance for building national unity based on respect for and the exercise of the political, cultural, economic and spiritual rights of all Guatemalans, as well as on the fulfilment of their duties,

Whereas the agreed constitutional reforms are a historic step which, at the institutional level, guarantees and ensures the building of a just peace and democratic stability by political and institutional means, within the framework of the political Constitution of the Republic,

The Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG), hereinafter referred to as "the Parties", have agreed as follows:

1. The Government of the Republic shall place before the Congress of the Republic the draft constitutional amendments contained in sections A and B of this Agreement 60 days after its entry into force.

2. It is understood that, where the text of a proposed constitutional amendment is not expressly drafted and the number of the corresponding article is not indicated, its drafting and numbering will be left to the legislative branch.

3. The Parties request the Congress of the Republic to promulgate or amend ordinary legislation, as necessary, to adapt it to the provisions agreed to by the Parties in the Peace Agreements and to the constitutional amendments contained in this Agreement; and also, if necessary, to agree to any other constitutional or legal amendments that may be required to maintain consistency and compatibility with the reforms proposed by the Parties.

A. Constitutional reforms contained in the Agreement on Identity and Rights of Indigenous Peoples

4. This Agreement provides for constitutional recognition of the identity of the Maya, Garifuna and Xinca peoples and, from that standpoint, of the need to define and characterize the Guatemalan State as being one of national unity and multi-ethnic, multicultural and multilingual in nature. It is not just a matter of recognizing the existence and identity of various ethnic groups, as article 66 of the Constitution currently does, but of recognizing that the very make-up of society, without prejudice to the unity of the nation and the State, is characterized in that way; this also entails recognizing the specific nature of indigenous people's spirituality as an essential component of their world view and of the transmission of their values, and granting official constitutional recognition to indigenous languages as one of the mainstays of national culture and as a vehicle for acquiring and transmitting indigenous people's world view, knowledge and cultural values.

Identity of the Maya, Garifuna and Xinca peoples

5. Sponsor in the Congress of the Republic express constitutional recognition of the identity of the Maya, Garifuna and Xinca peoples, within the unity of the Guatemalan nation.

List of the languages existing in the country

6. Sponsor in the Congress of the Republic an amendment to the Constitution incorporating in its article 143 a list of all languages existing in the Republic, which the Government is required to recognize, respect and promote.

Official recognition of indigenous languages

7. Sponsor in the Congress of the Republic, in accordance with the conclusions of the Official Recognition Commission established under the Agreement on Identity and Rights of Indigenous Peoples, the necessary constitutional amendments arising out of the Commission's work.

Spirituality of the Maya, Garifuna and Xinca peoples

8. Sponsor in the Congress of the Republic the amendment of article 66 of the Constitution to stipulate that the State recognizes, respects and protects the various forms of spirituality practised by the Maya, Garifuna and Xinca peoples.

Definition and characterization of the Guatemalan nation

9. Sponsor in the Congress of the Republic an amendment to article 140 of the Constitution to define and characterize the Guatemalan nation as being one of national unity and multi-ethnic, multicultural and multilingual in nature.

B. Constitutional reforms included in the Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society

10. Within the framework of the modernization of State institutions, the Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society provides for constitutional reforms with respect to the Congress of the Republic, the Judiciary, the functions of the President of the Republic, and the Guatemalan armed forces. The aim is not to propose case-by-case measures, but to reformulate the whole conception of State organs and institutions with a view to strengthening democracy in line with present-day constitutional trends.

Congress of the Republic

11. With regard to the Congress of the Republic, present conditions have prompted various social sectors to raise the issue of the number of deputies, with a view to preventing their numbers from exceeding a predetermined reasonable level while preserving their representativeness as a characteristic expression of democracy. In addition, that representativeness raises the need

for an equally reasonable turnover of deputies; accordingly, it is envisaged that deputies will not be able to be re-elected for more than two consecutive terms.

Fixed number of deputies

12. Sponsor in the Congress of the Republic an amendment to article 157 of the Constitution to maintain the number of deputies in the Congress at the current level.

13. An amendment to the same article, stating that deputies cannot be re-elected for more than two consecutive terms, should also be sponsored, so as not to prevent parliamentary careers but at the same time to permit a turnover of political leadership in the Congress.

Administration of justice

14. The integrity and efficiency of the judicial function fulfil the task of guaranteeing the rules of social relations, a guarantee which can become operative only if there is security, as manifested in the substantive rights prescribed by law, the fair settlement of disputes, universal respect for procedural norms, the punishment of offenders and reparation for injury.

15. That is why it is important to strengthen the judicial function so that, within the constitutional framework that provides general guarantees for the administration of justice, free access to the administration of justice, regardless of financial means, can become a reality, based, in particular, on the multi-ethnic, multicultural and multilingual nature of Guatemala; the impartiality and independence of judges; the reasonable and prompt resolution of social conflicts; the provision of alternative mechanisms for resolving such conflicts; and a career judicial service which strives to ensure the professional excellence of judges, as well as proper recognition of the dignity of their profession and of their rights and responsibilities with regard to training and advanced training, without prejudice to a disciplinary system which, while respecting the rights of defence and due process, guarantees the proper exercise of the judicial function, with the power to impose penalties being exercised solely by the judiciary.

Guarantees for the administration of justice

16. Sponsor in the Congress of the Republic an amendment to article 203 of the Constitution which would make an initial express reference to guarantees of the administration of justice and, as such, include: (a) free access to the administration of justice in the person's own language; (b) respect for the multi-ethnic, multicultural and multilingual nature of Guatemala; (c) defence counsel for those who cannot afford it; (d) impartiality and independence of judges; (e) reasonable and prompt resolution of social conflicts; and (f) provision of alternative conflict-resolution mechanisms. In addition, the present content of article 203 should be reproduced in summarized form in a separate paragraph.

Career judicial service

17. Sponsor in the Congress of the Republic the amendment of articles 207, 208 and 209 of the Constitution, which would include a reference to the Act on the Career Judicial Service and establish its content as follows:

(a) Rights and responsibilities of judges, dignity of the profession and adequate remuneration;

(b) System of appointments and promotions of judges based on public competitive examinations designed to ensure professional excellence;

(c) Right and duty to pursue judicial training and advanced training;

(d) Disciplinary system, with pre-established guarantees, procedures, levels of jurisdiction and penalties, and the principle that a judge or magistrate can be investigated and punished only by his peers.

Personnel of the judiciary

18. Sponsor in the Congress of the Republic an amendment to article 210 of the Constitution eliminating the guarantee set forth in the second paragraph, since its content would be subsumed under the three preceding articles. Article 210 should refer only to personnel of the judiciary who are not judges or magistrates.

National Civil Police

19. Sponsor in the Congress of the Republic the inclusion of an article in the Constitution defining the functions and main characteristics of the National Civil Police as follows:

> "The National Civil Police is a professional and hierarchical institution. It is the only armed police force with national jurisdiction and its function is to protect and safeguard the exercise of the rights and freedoms of individuals; to prevent, investigate and combat crime; and to maintain public order and internal security. It shall be under the control of civilian authorities and shall show strict respect for human rights in carrying out its functions.
>
> "The law shall regulate the requirements and procedures for admission to the police profession, as well as promotions, advancement, transfers, disciplinary action against police officials and employees and other questions related to the functioning of the National Civil Police."

Guatemalan armed forces

20. In a democratic society, the typical functions of the armed forces relate to the defence of sovereignty and territorial integrity; any other function is atypical and exceptional; like any other government institution, their exercise of other functions must take place in a context of subordination to lawfully constituted authority and be preceded by a decision of and be monitored by the

lawfully constituted authorities of the State within their specific sphere of competence. Any exceptional function of the armed forces must therefore be decided by the President of the Republic, as Head of State and Commander-in-Chief of the Armed Forces, and be subject to oversight by the Congress of the Republic.

21. Moreover, like other Ministers of State, the Minister of Defence is called upon to perform policy-making functions which do not necessarily require that he have a strictly technical background. As a result, the current requirement that he be a member of the armed forces is not justified. In keeping with present-day conceptions of the organization of the judiciary, exclusive military jurisdiction in criminal matters should be confined to strictly military crimes and misdemeanours.

Constitution, organization and functions of the armed forces

22. Sponsor in the Congress of the Republic an amendment to article 244 of the Constitution so that it reads as follows:

> "Article 244. Constitution, organization and functions of the armed forces. The Guatemalan armed forces are a permanent institution in the service of the nation. They are unique and indivisible, essentially professional, apolitical, obedient and non-deliberative. Their function is to defend the sovereignty of the State and the integrity of its territory. They consist of land, sea and air forces. Their organization is hierarchical and is based on the principles of discipline and obedience."

Functions of the President of the Republic

23. Sponsor in the Congress of the Republic an amendment to article 183 of the Constitution which would include the following:

> "Delete paragraph (r) of article 183 and amend the wording of paragraph (t) to read: 'To grant special pensions'".

24. With regard to the functions of the President of the Republic, it has been agreed to sponsor the inclusion of the following in article 183:

> "Where the normal means for the maintenance of public order and internal peace have been exhausted, the President of the Republic may, on an exceptional basis, use the armed forces for this purpose. The action of the armed forces shall always be temporary, shall be conducted under civilian authority and shall involve no limitation whatsoever on the exercise of the constitutional rights of citizens.
>
> "To order these exceptional measures, the President of the Republic shall issue the corresponding agreement. The action of the armed forces shall be limited to such time and modalities as are strictly necessary and shall cease as soon as its purpose has been achieved. The President of the Republic shall keep the Congress informed of the operations of the armed forces, and the Congress may at any time order that such operations shall cease. In any event, within 15 days following the end of such operations,

the President of the Republic shall submit to the Congress a detailed report on the action of the armed forces."

Duties and powers of the President over the armed forces

25. Sponsor in the Congress of the Republic an amendment whereby the final sentence of paragraph (b) of article 246 of the Constitution, which reads: "He may, likewise, approve special pensions", would be deleted.

26. Also sponsor the redrafting of the first paragraph of article 246 so that it reads as follows:

"The President of the Republic is the Commander-in-Chief of the Armed Forces and shall issue his orders through the Minister of National Defence, whether the Minister is a civilian or a member of the armed forces."

Military courts

27. Sponsor in the Congress of the Republic the total redrafting of article 219 of the Constitution, so that it reads as follows:

"Article 219. Military courts. The military courts shall try the crimes and misdemeanours specified in the Military Code and in the corresponding regulations. Ordinary crimes and misdemeanours committed by military personnel shall be tried and judged by the ordinary courts. No civilian may be judged by military courts."

II. ELECTORAL REGIME

Whereas:

Elections are the essential instrument for the transition which Guatemala is currently making towards a functional, participatory democracy,

For that purpose, Guatemala has, in the form of the Supreme Electoral Tribunal, an independent institution of recognized impartiality and prestige which is a key element in safeguarding and strengthening the electoral regime,

It is necessary to increase citizens' participation in the electoral process and to overcome the phenomenon of abstentionism in order to strengthen the legitimacy of public authority and consolidate a pluralistic, representative democracy in Guatemala,

The level of electoral participation is the result of many different social and political factors, including the impact of civil institutions on the daily lives of Guatemalans, the capacity of political parties to fulfil people's expectations, the degree of organized participation by citizens in social and political life and their level of civic education, all of which are elements which the package of peace agreements already signed seeks to strengthen.

The electoral process is marred by specific shortcomings which impede the effective enjoyment of the right to vote. These shortcomings include citizens' lack of reliable documentation, the absence of technically prepared electoral rolls, difficulty of access to registration and voting, lack of information and the need for greater transparency in election campaigns.

This Agreement seeks to promote legal and institutional reforms which will remedy those shortcomings and constraints and, together with the other peace agreements, help to improve the electoral regime as an instrument of democratic transformation.

The Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (hereinafter referred to as "the Parties") have agreed as follows:

Electoral Reform Commission

1. Recognizing the role of the Supreme Electoral Tribunal in safeguarding and strengthening the electoral regime, the Parties agree to request the Tribunal, through this Agreement, to establish and preside over an Electoral Reform Commission charged with publishing a report and making a series of recommendations on electoral reform and the corresponding legislative amendments.

2. In addition to its Chairman, who would be appointed by the Supreme Electoral Tribunal, the Commission would consist of one representative and one alternate for each of the political parties with representation in Parliament and two members and their respective alternates to be appointed, at its discretion, by the Supreme Electoral Tribunal. The Electoral Reform Commission would receive all such support and advisory services as it considered necessary.

3. It is recommended that the above Commission be constituted no later than three months after the signing of the Agreement on a Firm and Lasting Peace and that it complete its work no later than six months from the date of its establishment. In order to achieve its objectives, the Commission would have to encourage an extensive pluralistic debate on the subject of Guatemala's electoral regime.

4. As a minimum, non-restrictive agenda for modernizing the electoral regime, the Commission would consider the following items:

(a) Documentation;

(b) Electoral rolls;

(c) Voting;

(d) Transparency and publicity;

(e) Information campaign;

(f) Institution-building.

Basic proposals

5. In connection with these items, the Parties agree that, in keeping with the efforts being made to strengthen the electoral process, they would put forward for consideration by the Electoral Reform Commission the following basic proposals:

Documentation

6. Given that lack of reliable documentation is an obstacle to the implementation of the various phases of the electoral process, the Parties consider that it would be useful to introduce a single identity document, with a photograph of the holder, which would replace the present local identity card and which, as an identification document for all civil matters, would also serve for elections. Such a document would be issued by the Supreme Electoral Tribunal, through the National Registry. To this end, the appropriate reforms of the Elections and Political Parties Act and the Civil Code would be undertaken.

7. As a contribution to the next general elections, it would be extremely important and useful for all citizens to use the new single identity document.

Electoral rolls

8. Bearing in mind the need to steadily improve the electoral rolls which the Supreme Electoral Tribunal is responsible for compiling and updating, the Parties consider that it would be useful for the Electoral Reform Commission to study ways of ensuring that deaths and changes of address are recorded systematically.

9. In order to establish electoral districts within each municipality, with their own electoral roll, where necessary, to facilitate voting, it is proposed that the Commission should recommend the reform of the Elections and Political Parties Act to ensure that the electoral rolls are based on place of residence.

10. The Electoral Reform Commission should examine ways of facilitating citizens' access to voter registration centres and of ensuring that the Supreme Electoral Tribunal has the resources to expand its coverage in rural areas.

11. Taking into account the new functions of the Guatemalan armed forces, as set forth in the Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society, and considering the Parties' shared objective of promoting the broadest possible participation of citizens in the electoral process, the Commission is invited to examine the desirability of granting, in the future, members of the Guatemalan armed forces on active duty the political right of voting in Guatemalan elections.

Voting

12. It is necessary to facilitate citizens' access to voting centres. To that end, the Parties propose that, based on the electoral rolls, the Supreme Electoral Tribunal, in consultation with political parties, should identify the

places in which voting centres are to be set up within municipalities; such places would be those which have large numbers of residents living a long way from the municipal capital and which are also accessible to party poll-watchers and electoral observers. Voting centres should correspond to a municipal electoral district with its own electoral roll, thereby avoiding any problems which might otherwise arise from having a common municipal electoral roll for all voting centres.

13. The Electoral Reform Commission should study and propose the necessary legislative and/or administrative changes to facilitate the participation of internal migrant workers in elections, which currently coincide with the period of seasonal migration of labour.

Transparency and publicity

14. In order to promote greater transparency in the presentation of candidates by assemblies of political parties, action should be taken to ensure that all party members are informed of the convocation and holding of the general assemblies of political parties. The Electoral Reform Commission could examine whether compliance in convoking and holding the assemblies of political parties might be verified as a matter of routine by the National Registry or whether it would be useful to amend the law to enable the Supreme Electoral Tribunal to supervise effectively the convocation and holding of assemblies of political parties, as well as their results.

15. In order to ensure transparency in the financing of election campaigns and that voter preference is not supplanted by spending power, the Parties consider that the Supreme Electoral Tribunal should have the power to set a ceiling for campaign spending by each presidential candidate in the mass media. It is recommended that consideration be given to the possibility of providing and facilitating the use of media time and space free of charge for all parties on an equal footing.

16. Parties and candidates should be compelled to make available such accounting records and reports as may be required from them by the National Registry in order to verify that their sources of funding are lawful. The calculation of campaign spending should include, at market prices, any advertising donated to the parties during the election campaign.

17. It would also be useful to promote a reform of the Penal Code to characterize the acceptance of illicit campaign funding as a crime, establishing that anyone who receives or authorizes the receipt of such contributions for the funding of political organizations or election campaigns is guilty of such a crime. The reform would establish the corresponding criminal penalties.

Public information campaigns

18. The increasingly active participation of citizens in the electoral process is a guarantee of the legitimacy and representativeness of the elected authorities. This objective would be more easily achieved if ongoing campaigns to educate, motivate and inform citizens were carried out. The Electoral Reform Commission would examine the possibility of conducting information campaigns to:

(a) Explain the importance of the right of citizens to vote and to be elected;

(b) Encourage and promote the timely preparation of electoral rolls;

(c) Provide information on how to vote, the documents to be presented at voting tables and centres and the hours during which voting takes place;

(d) Provide information on how to organize civic committees or join a political party.

19. In order to ensure that these campaigns are effective, account would have to be taken of the importance of using the various languages of indigenous peoples, as agreed in the Agreement on Identity and Rights of Indigenous Peoples.

Institution-building

20. In order to strengthen the electoral regime, the Parties agree to request the Electoral Reform Commission to design a programme for modernizing the National Registry. Such a programme, with the corresponding activities to train and professionalize the personnel involved, would permit the automation of data and their incorporation into coordinated networks so that electoral rolls could be effectively cross-checked, maintained and updated.

21. Bearing in mind the role of the Supreme Electoral Tribunal in the electoral reform proposed in this Agreement, the Parties consider that it would be helpful if the Electoral Reform Commission were to analyse what resources the Tribunal requires in order to function efficiently, particularly in order to perform its ongoing functions in the areas of voter registration, preparation of electoral rolls and public information campaigns. The executive branch, for its part, will review the Electoral Reform Commission's analysis of such resources and take whatever action it can to strengthen the operations of the Supreme Electoral Tribunal.

III. FINAL PROVISIONS

First. This Agreement forms part of the Agreement on a Firm and Lasting Peace and shall enter in force on the day when the latter is signed.

Second. In accordance with the Framework Agreement, the Secretary-General of the United Nations is requested to verify compliance with this Agreement.

Third. This Agreement shall be widely publicized.

Stockholm, 7 December 1996.

For the Government of Guatemala:

(Signed) Gustavo PORRAS CASTEJÓN

(Signed) Otto PÉREZ MOLINA
Brigadier-General

(Signed) Raquel ZELAYA ROSALES

(Signed) Richard AITKENHEAD CASTILLO

For the Unidad Revolucionaria Nacional Guatemalteca:

(Signed) Carlos GONZALES

(Signed) Commander Rolando MORÁN

(Signed) Commander Pablo MONSANTO

(Signed) Jorge ROSAL

For the United Nations:

(Signed) Jean ARNAULT

ANNEX II

[Original: Spanish]

Agreement on the Basis for the Legal Integration of the Unidad Revolucionaria Nacional Guatemalteca

Whereas the internal armed conflict that Guatemala has experienced for over three decades resulted from the closing of political opportunities for democratic expression and participation and from the adoption of measures of political repression against individuals and organizations linked or identified with the Government overthrown in 1954,

Whereas, given a situation where there is social and economic injustice, including discriminatory practices against indigenous peoples, and the systematic denial of individual and collective rights and safeguards, the peoples concerned have the right to seek the necessary democratic change,

Whereas the package of peace agreements signed by the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG) constitute a new and promising framework for the democratic life of the country, based on new forms of political participation and a new institutional framework,

Whereas building a democratic, multi-ethnic, multicultural and multilingual nation, with social justice, calls for equitable participation by all citizens, both men and women, on the basis of complete political and ideological pluralism,

Recognizing that Guatemalan society needs to develop conditions conducive to reconciliation and lasting governability,

Whereas completion of the negotiating process with a view to finding a political solution to the internal armed conflict calls for the establishment of a set of measures to integrate URNG as a lawful body,

Recognizing the determination of URNG to convert its political-military forces into a duly authorized political party that will operate within the Guatemalan legal system,

Recognizing that the legal integration of members of URNG, in full exercise of their constitutional rights and duties and in security and dignity, will contribute to the democratic process and its consolidation, the restoration of the social fabric in Guatemala, reconciliation and the establishment of a firm and lasting peace,

Calling on the State as a whole, all sectors of Guatemalan society and the international community to assist in and contribute to the process of integrating URNG,

The Government of Guatemala and URNG (hereinafter referred to as "the Parties") have agreed as follows:

/...

I. DEFINITIONS

1. The "legal integration of URNG" means the process whereby URNG members are to be integrated into political, economic, social and cultural life in a context of dignity, security, legal safeguards and the full exercise of their civil rights and duties.

2. The process of integrating members of URNG shall begin with the signing of the Agreement on a Firm and Lasting Peace and shall lead to their lasting integration into the civil life of the country. The integration process shall be divided into two phases: an initial integration phase, which shall last one calendar year starting on D+60, and a subsequent, definitive integration phase, for the medium term, in which the support required to consolidate the process will be provided.

Initial integration phase

3. There shall be two separate procedures during the initial integration phase, which shall be applied according to the status of the URNG members concerned:

(a) The procedure applicable to members of the various guerrilla fronts and other combatants, according to the definitions set out in paragraph 20 of the Agreement on the Definitive Ceasefire. Such procedure shall be divided into two stages:

(i) The demobilization stage, which shall last two months and means the ending of URNG military structures at the agreed assembly points. This stage shall include services such as the provision of temporary documentation and vocational training and guidance, with a view to facilitating the subsequent integration of demobilized combatants. The verification authority shall transmit to the Special Integration Commission a definitive list of demobilized combatants drawn up at assembly points no later than D+30;

(ii) The reinsertion stage, which shall begin upon completion of the demobilization process (D+60) and end one year later. Its basic purpose is to provide emergency assistance to former combatants and create conditions conducive to a smooth transition to the definitive integration phase. The minimum requirements to be met during such phase are (but shall not be limited to):

- Provision of inputs and services appropriate to an emergency situation;

- Beginning of training and employment programmes;

- Establishment of financial machinery to obtain the resources needed to launch the definitive integration phase;

- Identification of government social and economic programmes for the population as a whole that can provide assistance to former combatants and to members of URNG internal structures who are to be integrated during the definitive integration phase, on terms similar to those for other beneficiaries of such programmes;

(b) The procedure applicable to other URNG members, members of the internal political structure and Guatemalans forming part of the international support structure who are not subject to the demobilization process. Provision shall be made for them to receive the necessary support for their legal integration, and, based on their individual circumstances, other services to facilitate their integration into productive life. URNG shall transmit to the verification authority by D-15 at the latest a list of non-demobilized members who are to be beneficiaries of this procedure. The authority shall, in turn, transmit such list to the Special Integration Commission once it has been set up.

4. The Government of Guatemala and URNG pledge to take the necessary steps to ensure completion of the initial integration stage, and they request assistance from the international community to that end. For the execution of the relevant programme, subprogrammes and projects, a Special Integration Commission shall be set up, with the participation of the Government of Guatemala, URNG and, in a consultative capacity, donor and cooperative countries and agencies. To ensure full participation by beneficiaries in the design, execution and evaluation of projects and programmes concerning them, an Integration Foundation shall be set up which shall be directly involved in the various stages of the integration process.

Definitive integration phase

5. One year after D+60, beneficiaries of both procedures shall become eligible for longer-term services provided by the Government, including financial, technical, legal and employment assistance and assistance in the areas of education, training and production projects with a view to ensuring their lasting integration into the economic, social and cultural life of the country, on the same terms as the rest of the Guatemalan population. Additional specific projects for URNG members shall be the responsibility of the Integration Foundation. The Parties call on international cooperation to provide technical and financial support to ensure the success of the definitive integration phase.

Integration programme

6. "URNG integration programme" means the package of legal, political, economic and security measures and provisions, and also subprogrammes and projects, which are to ensure the success of the integration process. This programme shall be carried out in accordance with the objectives and principles set out below.

II. OBJECTIVES AND PRINCIPLES

Objectives

7. The integration programme shall seek to create the best possible conditions for the integration of URNG members into the legal, political, social, economic and cultural life of the country, in security and dignity.

8. The initial integration phase shall seek to provide URNG members, particularly former combatants, with the necessary means to embark upon their lasting integration by means of productive, educational, training and other activities. Appropriate use of such means shall be the responsibility of the beneficiaries.

9. The definitive integration phase shall seek to provide URNG members, particularly former combatants, with the necessary support to consolidate their integration. The integration programme shall also seek to contribute to the development of the country and to national harmony.

Principles

10. The Government of Guatemala undertakes to guarantee the political, legal and security conditions and promote the social and economic conditions necessary for the implementation of the integration programme.

11. URNG undertakes to do everything possible to ensure the successful integration of all of its members into the social, economic and cultural life of the country through the implementation of the programme.

12. The programme shall treat former combatants, women, young people and disabled persons as sectors requiring specific priority attention.

13. In view of the diverse personal circumstances of the URNG members who are being integrated into lawful life, the programme shall be implemented in a flexible manner appropriate to their needs.

14. In order to ensure such flexibility, subprogrammes and projects designed, managed and implemented with the full participation of beneficiaries shall be promoted, in accordance with the institutional arrangements set out in this Agreement.

15. Whenever relevant, and particularly in the case of production projects, efforts shall be made to ensure that the programme has a positive impact on the communities in which it is carried out and that it is designed and implemented in consultation with them.

III. ELEMENTS OF THE INTEGRATION PROGRAMME

16. The URNG integration programme shall consist of the following elements:

A. Legal area

National Reconciliation Act

17. The Government shall sponsor in the Congress of the Republic a draft National Reconciliation Act whose object shall be, in accordance with the spirit and content of the Peace Agreements, to promote a culture of harmony and mutual respect that will eliminate any form of revenge or vengeance, while safeguarding the fundamental rights of the victims, as prerequisites for a firm and lasting peace.

The right to know the truth

18. In recognition of the inalienable right of any society to know the truth, the National Reconciliation Act shall instruct the Commission to Clarify Past Human Rights Violations and Acts of Violence that Have Caused the Guatemalan Population to Suffer (the "Clarification Commission") to devise means whereby the truth about the period of the internal armed conflict may be known and acknowledged, in order to avoid a repetition of such events. The Act shall require all State bodies and entities to provide the Commission with the support necessary for the accomplishment of its tasks, in accordance with the purposes specified in the relevant agreement.

The right of redress

19. On the principle that any violation of human rights entitles the victim to obtain redress and imposes on the State the duty to make reparation, the Act shall assign to a State body responsibility for implementing a public policy of compensation for and/or assistance to the victims of human rights violations. The body in question shall take into consideration the recommendations to be formulated in that regard by the Clarification Commission.

Extinction of criminal liability

20. With a view to promoting national reconciliation, without neglecting the need to combat impunity, the National Reconciliation Act shall contain a clause allowing URNG members to be integrated into lawful life.

Political crimes

21. In relation to the aforesaid clause, the National Reconciliation Act shall declare the extinction of criminal liability for political crimes committed in the internal armed conflict up to the date on which the Act enters into force and shall cover persons who perpetrated, abetted or were accessories to crimes against State security, public institutions and the public administration, as defined in articles 359, 360, 367, 368, 375, 381, 385 to 399, 408 to 410 and 414 to 416 of the Penal Code and in Title VII of the Arms and Munitions Act. In such cases, the Public Prosecutor's Office shall refrain from exercising a right of action and the judicial authority shall dismiss proceedings.

Related common crimes

22. Also in relation to the clause mentioned in paragraph 20, the National Reconciliation Act shall extinguish criminal liability for related common crimes committed in the armed conflict, such crimes being defined as those which are directly, objectively, intentionally and causally related to the commission of the political crimes referred to in the preceding paragraph and which cannot be shown to be motivated by personal goals. The common crimes which are defined as related to the political crimes mentioned in the preceding paragraph are those described in articles 214 to 216, 278, 279, 282 to 285, 287 to 289, 292 to 295, 321, 325, 330, 333, 337 to 339, 400 to 402, 404, 406 and 407 of the Penal Code.

Other extinctions of criminal liability

23. In respect of persons who were involved in the internal armed conflict owing to institutional mandates, the National Reconciliation Act shall contain specific provisions equivalent to those previously mentioned, in that they shall extinguish criminal liability for common crimes perpetrated with the aim of preventing, thwarting, suppressing or punishing the commission of political crimes and related common crimes, where such crimes were directly, objectively, intentionally and causally related to that aim, unless it is demonstrated that there is no relationship between the criminal act and the stated aim.

Restrictions

24. The provisions in the National Reconciliation Act which extinguish criminal liability shall under no circumstances extend to crimes which, under domestic law or the international treaties ratified or signed by Guatemala, are imprescriptible or are not subject to an extinction of criminal liability.

Proceedings

25. The judicial proceedings for related common crimes shall be consistent with guarantees of due process, shall be expeditious and adversarial, and shall comprise the following stages:

(i) If the Public Prosecutor's Office or a judicial authority is to try one of the crimes referred to in paragraphs 22 and 23, it shall transfer the case immediately to the appeals court division having jurisdiction in the matter. The court shall notify the aggrieved person, defined as such in article 117 of the Code of Criminal Procedure, the Public Prosecutor's Office and the defendant, ordering them to appear within the same period of 10 working days.

(ii) After this period has elapsed, the court shall have five working days in which to issue a reasoned order declaring the extinction valid or invalid and, where appropriate, dismissing the proceedings. If, after the period for notification of the parties has elapsed, the court feels that it needs additional information in order to reach a decision, it shall convene an immediate oral hearing with the sole participation of the parties, at which it shall receive relevant evidence, hear statements by the parties or their lawyers and,

immediately thereafter, issue a reasoned order declaring the extinction valid or invalid and, where appropriate, dismissing the proceedings. The oral hearing shall be held within 10 working days after the end of the period for notification of the parties. At least three days shall elapse between the summons and the hearing.

(iii) An appeal against the court's order shall be admissible only if it is submitted in writing, alleging grievances, within three days from the date of the last notification, by any of the parties having a legitimate interest in the case. If the appeal is declared admissible, the case shall be referred immediately to the amparo and preliminary judgements division of the Supreme Court, which shall decide within one week, without further hearings, to uphold, revoke or amend the contested order. The Supreme Court's decision shall not be subject to any form of appeal.

26. No coercive measures, such as committal orders, pretrial detention, measures in lieu of pretrial detention, remand or arrest shall be ordered during the proceedings. The alleged perpetrators, accused persons or defendants may be represented during the proceedings by their lawyers.

27. Upon conclusion of the proceedings, a certified copy of the entire case record shall be transmitted to the Clarification Commission.

Demobilization

28. In order to foster compliance with the demobilization of URNG members stipulated in the Agreement on the Definitive Ceasefire, the National Reconciliation Act shall establish the complete extinction of criminal liability for persons who perpetrated, abetted or were accessories to the crimes defined in articles 398, 399, 402 and 407 of the Penal Code and articles 87, 88 and 91 to 97, paragraph (c), of the Arms and Munitions Act and who committed such acts up to the date on which their demobilization was completed in accordance with the terms, conditions and time-limits stipulated in the aforesaid Agreement. The date on which that demobilization was completed shall be communicated officially by the United Nations verification authority.

Documentation

29. As a result of the conditions in which the internal armed conflict took place, many URNG members have no personal documentation. This limits the exercise of their civil rights and duties. To facilitate an immediate solution to this problem, the Government undertakes to sponsor in the Congress of the Republic the corresponding amendments to the Act on the Personal Documentation of the Population Uprooted by the Internal Armed Conflict (Decree 73-95). Such amendments, in addition to solving the documentation problems of uprooted population groups, shall resolve the lack of personal documentation of URNG members. The Congress shall be asked to consider and resolve this issue in the two months following the signing of the Agreement on a Firm and Lasting Peace.

Temporary documentation

30. Pending completion of the procedures required for the issue of permanent personal documentation, the verification authority shall be asked to issue temporary documentation for demobilized combatants and other beneficiaries of the Agreement on the Basis for the Legal Integration of URNG.

Other documentation

31. The procedures for naturalization of children born abroad to Guatemalans belonging to URNG shall be expedited.

Other legal provisions

32. The Government undertakes to sponsor in the Congress such legal amendments as are needed to permit full compliance with this Agreement.

B. Political area

33. The Parties undertake to promote a climate of tolerance, openness and plurality which will foster reconciliation and understanding.

34. After the signing of the Agreement on a Firm and Lasting Peace, URNG members, like all other citizens, shall enjoy the full exercise of all their fundamental rights and freedoms (including freedom of organization, movement and residence and the right of political participation) and shall pledge to fulfil all their duties and obligations.

35. The Government considers that the transformation of URNG into a political party duly accredited with the corresponding bodies is a contribution to the strengthening of the rule of law and to the consolidation of a pluralist democracy.

C. Security area

36. The Government undertakes to adopt administrative measures to guarantee the necessary conditions for the effective exercise of the civil rights of URNG members, particularly the rights to life, security and physical integrity. Respect for this undertaking shall be subject to special verification by the international verification authority, which may arrange for URNG members to be accompanied temporarily when the need arises.

37. The Government shall pay particular attention to any complaint of acts or incidents that threaten the safety of URNG members.

D. Socio-economic area

38. In the socio-economic area, the integration programme shall cover the following spheres:

Vocational guidance and training

39. URNG members shall receive vocational guidance and assistance during the demobilization phase, and subsequently if necessary. Once agreement is reached on the kind of economic activity in which they are to engage, they shall be eligible for specific programmes of technical and vocational training.

Education

40. The Government pledges to take the necessary administrative action for the recognition, equivalency rating, validation and legalization of formal and non-formal education completed by URNG members, using appropriate evaluation and equivalency rating mechanisms.

41. During the initial integration period, specific literacy, post-literacy and intensive technical training subprogrammes shall be launched.

42. As part of integration subprogrammes, URNG members may, with the Government's cooperation benefit from grants, scholarships or any other mechanism to help them continue their education.

43. The Parties request international cooperation in implementing these provisions on education, to which end the technical recommendations to be made by the Integration Foundation shall be taken into account.

Housing

44. During the initial integration stage, the Special Integration Commission shall promote appropriate housing conditions for URNG members who require it in order to carry out the corresponding subprogrammes and projects, with special emphasis on the needs of demobilized combatants. Before the end of the initial integration phase, the Special Commission shall pay special attention to guaranteeing access to housing for demobilized URNG members who settle in rural areas and to providing proper credit facilities for those settling in urban areas.

Health

45. In the demobilization phase, combatants gathered at assembly points shall receive a medical check-up. The necessary action will be taken to treat cases identified by the check-up either in the camps or locally. The Special Commission will ensure that patients who require further treatment are referred to the corresponding services. This subprogramme shall be carried out in cooperation and consultation with the URNG medical team.

Economic and production projects

46. The Parties agree that the integration of URNG members into civilian life requires that they participate actively in production on a basis of dignity, development and legality. To that end, the Parties agree that the Special Commission and the Foundation shall support projects for expanding production

and generating employment in urban and rural areas which contribute to the fulfilment of this Agreement.

47. The orientation of such projects shall be in keeping with the provisions of the Agreement on Social and Economic Aspects and the Agrarian Situation. Projects for the expansion of production shall be implemented in keeping with the plans and needs of the communities in which they are to be carried out and in consultation with them.

48. The Government, according to its financial capacities and the technical and financial support provided by international cooperation, shall provide the necessary start-up resources for these projects. It shall facilitate access to means of production, technical advice, credit and marketing channels on the same terms as for other similar projects. It also pledges to take the necessary action to facilitate and legally recognize the forms of organization required to promote these economic activities. Programmes involving individually- or collectively-owned land shall be processed through the Land Trust Fund, on the same terms as other applicants.

E. Cultural area

49. Since a large proportion of URNG members are of Mayan origin, the Parties agree to stipulate that the integration programme must be implemented in conformity with the Agreement on Identity and Rights of Indigenous Peoples.

F. Special subprogrammes

Subprogramme for disabled persons

50. As a result of the internal armed conflict, a sector of the population is disabled and, as one of the most vulnerable and most severely affected groups, requires special priority attention under the programme envisaged in this Agreement.

51. The integration of this group is a more complex matter, because of the personal and social impact of their disability. As a result, specific projects will have to provide proper professional care for their rehabilitation and access to education and training so that they can be genuinely integrated into social and productive life in decent conditions.

Legal assistance

52. The integration programme shall provide for URNG members to receive legal assistance in dealing with the legal aspects of their integration.

Family reunification

53. The Parties agree to take all necessary measures to enable URNG members to be reunited with their families. The Government undertakes to extend all necessary facilities to that end.

54. The Government undertakes to cooperate with the Clarification Commission on matters relating to the issue of detained and disappeared URNG members and to contribute whatever resources, relevant measures and information might lead to the recovery of the remains of URNG members, including URNG combatants who died in combat.

IV. INSTITUTIONAL ARRANGEMENTS

Initial integration

55. This phase shall be financed with resources from the Guatemalan Government and contributions from the international community.

56. The Parties agree to create a Special Integration Commission, which shall consist of an equal number of representatives from the Government and URNG and, in a consultative capacity, representatives from donor and cooperating countries and international cooperation agencies.

57. The Commission shall be set up within 15 days following the signing of the Agreement on a Firm and Lasting Peace and the Government shall issue the corresponding government decree to that effect.

58. Once it is set up, the Commission shall be responsible for coordinating the integration programme, for taking decisions on the allocation of funding to its contingent subprogrammes and projects and for raising technical and financial resources. The Parties agree that the programme's execution shall conform to the objectives and principles of this Agreement.

59. In order to perform its functions, the Special Commission shall, by means of specific rules to be adopted no later than 30 days after it is set up, organize its responsibilities in the areas of coordination, financial management and decision-making with respect to subprogrammes and projects arising out of this Agreement. The Special Commission shall likewise identify in consultation with donor and cooperating countries and agencies, appropriate financial mechanisms, including the possibility of trust funds, to facilitate the flexible and effective implementation of the integration programme.

Definitive integration

60. Additional specific projects for URNG members shall be the responsibility of the Integration Foundation. URNG undertakes to set up that Foundation in the 90 days following the signing of the Agreement on a Firm and Lasting Peace. The Government undertakes to expedite the procedures for setting up the Foundation. The Parties call on international cooperation to provide technical and financial support to ensure the success of the definitive integration phase.

V. FINAL PROVISIONS

First. This Agreement forms part of the Agreement on a Firm and Lasting Peace and shall enter into force when the latter is signed, with the exception of any specific provisions which may have entered into force prior to that date.

Second. In accordance with the Framework Agreement, the Parties request the Secretary-General of the United Nations to verify compliance with this Agreement.

Third. This Agreement shall be widely publicized.

Madrid, 12 December 1996.

For the Government of Guatemala:

(Signed) Gustavo PORRAS CASTEJÓN

(Signed) Otto PÉREZ MOLINA
Brigadier-General

(Signed) Richard AITKENHEAD CASTILLO

(Signed) Raquel ZELAYA ROSALES

For the Unidad Revolucionaria Nacional Guatemalteca:

(Signed) Commander Pablo MONSANTO

(Signed) Commander Rolando MORÁN

(Signed) Carlos GONZALES

(Signed) Jorge ROSAL

For the United Nations:

(Signed) Jean ARNAULT

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1997/52
20 January 1997

ORIGINAL: ENGLISH

LETTER DATED 20 JANUARY 1997 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF THE LIBYAN ARAB JAMAHIRIYA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you herewith a letter addressed to you by Mr. Omar Mustafa Muntasser, Secretary of the General People's Committee for Foreign Liaison and International Cooperation of the Libyan Arab Jamahiriya, concerning the balloonist, Mr. Steve Fossett, who overflew Libyan airspace.

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the Security Council.

(Signed) Ali Sunni MUNTASSER
Deputy Permanent Representative
Chargé d'affaires a.i.

97-01532 (E) 210197 210197

Annex

Letter dated 17 January 1997 from the Secretary of the General People's Committee for Foreign Liaison and International Cooperation of the Libyan Arab Jamahiriya addressed to the President of the Security Council

[Original: Arabic]

Mr. Steve Fossett, who is flying around the world in a balloon, has asked to be allowed to pass through Libyan airspace. As you know, the Security Council, responding to pressure from the United States, imposed an aerial embargo on the Libyan Arab Jamahiriya. An official spokesman for the United States Department of State has accused the Libyan authorities of paranoia and has reproached them for preventing Mr. Fossett's balloon from passing through Libyan airspace.

It is incomprehensible that an official spokesman for the United States Department of State should censure the Libyan Arab Jamahiriya when all the world knows that his country is behind the aerial embargo on the Jamahiriya.

We should like to inform the Security Council that as long as the United States censures the Libyan Arab Jamahiriya for having prevented the balloon from passing through its airspace because of the aerial embargo imposed on it, we in the Libyan Arab Jamahiriya shall, as of this moment, allow Mr. Fossett's passage through Libyan airspace, and we shall approve passage for all aircraft through the Jamahiriya's airspace and the landing of all aircraft at its airports. Libyan Arab Airways will also immediately resume its flights to all of the world's countries.

(Signed) Omar Mustafa MUNTASSER
Secretary of the General People's Committee
for Foreign Liaison and International Cooperation

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1997/53
20 January 1997
ENGLISH
ORIGINAL: CHINESE AND
ENGLISH

LETTER DATED 20 JANUARY 1997 FROM THE PERMANENT REPRESENTATIVE OF CHINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith the position paper of the Government of China on the authorization of the deployment of United Nations military observers in Guatemala by the Security Council.

I should be grateful if you would have the text of this letter and its annex circulated as a document of the Security Council.

(Signed) QIN Huasun
Ambassador Extraordinary and Plenipotentiary
and Permanent Representative of the People's
Republic of China to the United Nations

97-01496 (E) 200197 200197 210197

/...

Annex

Position paper of the Government of China on the authorization of the deployment of United Nations military observers in Guatemala by the Security Council

China has all along supported the peace process in Guatemala and the relevant resolutions of the General Assembly. We welcome and are gratified by the Peace Agreement reached by the two parties in Guatemala and sincerely hope that peace and stability will thus prevail in the country.

Regrettably, however, the Government of Guatemala has for four consecutive years unscrupulously supported activities aimed at splitting China in the United Nations, in flagrant violation of the purposes and principles of the Charter of the United Nations and in disregard of repeated démarches of the Chinese Government. Furthermore, it was bent on inviting, in disregard of the solemn warnings of the Chinese Government, the Taiwan authorities to the signing ceremony of the Peace Agreement in Guatemala, thereby providing them with a venue for secessionist activities against China.

It is the unshirkable responsibility of all Member States to safeguard the purposes and principles of the Charter of the United Nations. The Government of Guatemala by its actions has trampled upon the purposes and principles of the Charter of the United Nations, contravened General Assembly resolution 2758 (XXVI) of 25 October 1971, infringed upon China's sovereignty and territorial integrity, interfered in its internal affairs and hurt the feelings of the Chinese people. The Guatemalan authorities cannot expect to have the cooperation of China in the Security Council while taking actions to infringe upon China's sovereignty and territorial integrity. No country's peace process should be at the expense of another country's sovereignty and territorial integrity.

China has reiterated on many occasions that the above actions by the Government of Guatemala have set serious obstacles to China's support for the authorization of the deployment of military observers to Guatemala by the Security Council and that only when these obstacles are removed can China positively consider this question.

Based on the above position, the Chinese side has made reasonable suggestions for the solution of this question. On this basis, China and Guatemala, through joint efforts, have reached agreement on the relevant questions, thereby removing the obstacles to China's support for the relevant draft resolution.

China would like to reaffirm its consistent principled position on the question of Taiwan. There is but one China in the world and the Government of the People's Republic of China is the sole legal Government representing the entire Chinese people. The question of Taiwan is a major question of principle that bears upon China's sovereignty, territorial integrity and the cause of national reunification. It falls entirely within China's internal affairs and brooks no outside interference whatsoever. The Chinese Government has no room for compromise on this question. It is the unswerving determination of the Chinese Government to safeguard its State sovereignty and territorial integrity.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1997/53*
20 January 1997
ENGLISH
ORIGINAL: CHINESE AND ENGLISH

LETTER DATED 20 JANUARY 1997 FROM THE PERMANENT REPRESENTATIVE OF CHINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith the position paper of the Government of China on the authorization of the deployment of United Nations military observers in Guatemala by the Security Council.

I should be grateful if you would have the text of this letter and its annex circulated as a document of the Security Council.

(Signed) QIN Huasun
Ambassador Extraordinary and Plenipotentiary
and Permanent Representative of the People's
Republic of China to the United Nations

* Reissued for technical reasons.

97-02508 (E) 280197

/...

Annex

Position paper of the Government of China on the authorization of the deployment of United Nations military observers in Guatemala by the Security Council

China has all along supported the peace process in Guatemala and the relevant resolutions of the General Assembly. We welcome and are gratified by the Peace Agreement reached by the two parties in Guatemala and sincerely hope that peace and stability will thus prevail in the country.

Regrettably, however, the Government of Guatemala has for four consecutive years unscrupulously supported activities aimed at splitting China in the United Nations, in flagrant violation of the purposes and principles of the Charter of the United Nations and in disregard of repeated démarches of the Chinese Government. Furthermore, it was bent on inviting, in disregard of the solemn warnings of the Chinese Government, the Taiwan authorities to the signing ceremony of the Peace Agreement in Guatemala, thereby providing them with a venue for secessionist activities against China.

It is the unshirkable responsibility of all Member States to safeguard the purposes and principles of the Charter of the United Nations. The Government of Guatemala by its actions has trampled upon the purposes and principles of the Charter of the United Nations, contravened General Assembly resolution 2758 (XXVI) of 25 October 1971, infringed upon China's sovereignty and territorial integrity, interfered in its internal affairs and hurt the feelings of the Chinese people. The Guatemalan authorities cannot expect to have the cooperation of China in the Security Council while taking actions to infringe upon China's sovereignty and territorial integrity. No country's peace process should be at the expense of another country's sovereignty and territorial integrity.

China has reiterated on many occasions that the above actions by the Government of Guatemala have set serious obstacles to China's support for the authorization of the deployment of military observers to Guatemala by the Security Council and that only when these obstacles are removed can China positively consider this question.

Based on the above position, the Chinese side has made reasonable suggestions for the solution of this question. On this basis, China and Guatemala, through joint efforts, have reached agreement on the relevant questions, thereby removing the obstacles to China's support for the relevant draft resolution.

China would like to reaffirm its consistent principled position on the question of Taiwan. There is but one China in the world and the Government of the People's Republic of China is the sole legal Government representing the entire Chinese people. Taiwan is an inalienable part of the sacred territory of China. The question of Taiwan is a major question of principle that bears upon China's sovereignty, territorial integrity and the cause of national reunification. It falls entirely within China's internal affairs and brooks no outside interference whatsoever. The Chinese Government has no room for compromise on this question. It is the unswerving determination of the Chinese Government to safeguard its State sovereignty and territorial integrity.

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1997/54
21 January 1997

ORIGINAL: ENGLISH

IDENTICAL LETTERS DATED 20 JANUARY 1997 FROM THE PERMANENT REPRESENTATIVE OF AFGHANISTAN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL AND THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to forward herewith a letter dated 19 January 1997 addressed to you by H.E. Mr. Abdul Rahim Ghafoorzai, Acting Minister for Foreign Affairs of the Islamic State of Afghanistan.

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the Security Council.

(Signed) A. G. Ravân FARHÂDI
Ambassador
Permanent Representative

97-01603 (E) 210197

/...

Annex

Identical letters dated 19 January 1997 from the Acting Minister for Foreign Affairs of Afghanistan addressed to the Secretary-General and the President of the Security Council

In an open challenge to every provision of international humanitarian law, in pursuance of an exclusive military option and by acquiring a large quantity of weapons and logistical support from abroad, the Taliban mercenaries attacked and occupied part of Charikar, the capital of the province of Parwan to the north of Kabul on 16 January 1997. With the motive of tearing apart the whole national fabric of Afghan society in general, and of terrorizing the civilian population of the province in particular, the Taliban mercenaries on 17 January forcibly transferred and deported more than 60,000 members of the population of Charikar and other townships of the province to the capital, Kabul.

This forcible exodus of the population, which included mostly the elderly, women and children, took place in the bone-chilling cold of winter, during the Muslim holy month of fasting of Ramadan. The majority of the forcibly deported population left behind all their possessions as they left their dwelling houses. Owing to the lack of means of transport, the distressed civilian population of Charikar was forced by the Taliban mercenaries to walk a long itinerary to reach Kabul, itself a war-ravaged city that had already been deprived of even the basic public services.

The Taliban have adopted this new policy in total disregard of the clearly enunciated principles of Islam and of United Nations resolutions, in particular those relating to the situation in Afghanistan, and are critically harming the peace process in Afghanistan as required by the General Assembly in its resolution 51/195 B of 17 December 1996.

The heinous policy of coercive eviction and mass deportation of the civilian population which is a crime against humanity, is being carried out in Afghanistan while elsewhere in the world the perpetrators of such crimes are subject to special jurisdiction, established to prosecute and punish them.

The intransigent attitude of the Taliban has led to this tragic event, which took place subsequent to a three-day United Nations-sponsored talks held in Islamabad, Pakistan, between the representatives of the concerned Afghan parties. These negotiations had led to an agreement on the need for further negotiations; the acts of the Taliban are therefore a naked betrayal of both the United nations and Afghanistan itself.

It is the earnest expectation of the people and of the Islamic State of Afghanistan that the United Nations will address appropriately the grave violations of international humanitarian law committed by the Taliban mercenaries and those who are advising, aiding and abetting them as accomplices.

The Islamic State of Afghanistan calls upon the Secretary-General, the Security Council, the Office of the United Nations High Commissioner for

Refugees, the Department of Humanitarian Affairs and all concerned United Nations agencies and organizations and intergovernmental organizations to pay immediate and urgent attention to the matter.

The United Nations is called upon to immediately intervene to prepare the circumstances allowing all civilians who have been deported and forcibly displaced to return to their homes without being subjected to discrimination on the basis of gender, age or ethnic origin.

(Signed) Abdul Rahim GHAFOORZAI
Acting Foreign Minister

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1997/55
20 January 1997

ORIGINAL: ENGLISH

LETTER DATED 17 JANUARY 1997 FROM THE PERMANENT REPRESENTATIVE OF THE ISLAMIC REPUBLIC OF IRAN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit herewith the text of the Protocol on Refugees, signed in Tehran on 13 January 1997 by the heads of the delegation of the Government of the Republic of Tajikistan and of the United Tajik Opposition in the presence of the Special Representative of the Secretary-General of the United Nations.

I should be grateful if you would have the text of this letter and its annex circulated as a document of the Security Council.

(Signed) Kamal KHARRAZI
Ambassador
Permanent Representative

97-01526 (E) 200197 200197

/...

Annex

[Original: Russian]

Protocol on refugees signed in Tehran on 13 January 1997

With a view to overcoming the consequences of the civil war and achieving peace and national accord in the country, and in accordance with the Protocol on the fundamental principles for establishing peace and national accord in Tajikistan of 17 August 1995, the joint statement on the results of the fourth round of inter-Tajik talks in Almaty and the appeal by the President of the Republic of Tajikistan, Mr. Emomali S. Rakhmonov, and the leader of the United Tajik Opposition, Mr. S. A. Nuri, to their fellow countrymen who had been forced to leave the country, adopted in Moscow on 23 December 1996, the delegations of the Republic of Tajikistan and the United Tajik Opposition (hereinafter referred to as "the Parties"), have agreed as follows:

1. To step up mutual efforts to ensure the voluntary return, in safety and dignity, of all refugees and involuntarily displaced persons to their places of permanent residence, and to complete this process within 12 to 18 months from the date of signature of this Protocol. With a view to ensuring their safety, honour and dignity, the Parties also call upon the United Nations, the Organization for Security and Cooperation in Europe (OSCE) and the Office of the United Nations High Commissioner for Refugees (UNHCR) to provide assistance in order to ensure the safety of returning refugees and involuntarily displaced persons and to establish and expand their presence at places where such persons are living.

2. The Government of the Republic of Tajikistan assumes the obligation to reintegrate returning refugees and involuntarily displaced persons into the social and economic life of the country, which includes the provision of humanitarian and financial aid, assistance in finding employment and housing and the restoration of all their rights as citizens of the Republic of Tajikistan (including the return of houses and property, and guaranteed uninterrupted employment), and not to institute criminal proceedings against returning refugees or involuntarily displaced persons for their participation in the political confrontation and the civil war, in accordance with the legislation in force in the Republic.

3. The Parties took a decision to resume the work of the Joint Commission on Refugees and, within one month from the date of signature of this Protocol, with the assistance of UNHCR, to draw up a statute of the Commission.

4. The Parties decided to instruct the Joint Commission, with the participation of representatives of local authorities and the United Tajik Opposition for the period during which this Protocol is being implemented, to visit on a regular basis, in accordance with a separate timetable, the refugee camps in the Islamic Republic of Afghanistan, places in the Commonwealth of Independent States (CIS) where there are concentrations of refugees, and districts in the Republic of Tajikistan to which refugees and displaced persons intend to return. Similar visits shall be organized by the Joint Commission to

places where there are concentrations of involuntarily displaced persons. The above-mentioned timetable shall be agreed by the Joint Commission within one month from the date of signature of this Protocol.

5. The Parties appeal to the Governments of the CIS States to consider issuing temporary identity documents to refugees from Tajikistan and, in cooperation with UNHCR, carry out additional measures to ensure the safety of refugees and defend their honour and dignity.

6. The Parties express their sincere gratitude to the United Nations, UNHCR, OSCE, donor countries and the Aga Khan Foundation for their assistance and at the same time urge them and the International Monetary Fund, the International Bank for Reconstruction and Development, the European Development Bank, the Islamic Bank and the Aga Khan Foundation to provide additional substantial financial and material support to refugees, involuntarily displaced persons and the Joint Commission on Refugees, and also for the purpose of rehabilitating the national economy destroyed by the war and improving the well-being of the people.

(Signed) T. NAZAROV
Head of the delegation
of the Government of
the Republic of Tajikistan

(Signed) A. TURAJONZODAH
Head of the delegation of the
United Tajik Opposition

(Signed) G. MERREM
Special Representative
of the Secretary-General